THE MEN IN THE PARTY.

The following-named men participated in the famous raid:
James J. Andrews, leader, citizen of Flemingsburg, Ky.
William H. Campbell, citizen of Kentucky.
Marion A. Ross, sergeant major Second Ohio Infantry.
William Pittenger, sergeant, Company G, Second Ohio Infantry.
George D. Wilson, private, Company B, Second Ohio Infantry.
Charles P. Shadrach, private, Company K, Second Ohio Infantry.
Elihu H. Mason, sergeant, Company K, Twenty-first Ohio Infantry.
John M. Scott, sergeant, Company F, Twenty-first Ohio Infantry.
Wilson W. Brown, corporal, Company F, Twenty-first Ohio Infantry.
Mark Wood, private, Company C, Twenty-first Ohio Infantry.
John A. Wilson, private, Company C, Twenty-first Ohio Infantry.
William Knight, private, Company E, Twenty-first Ohio Infantry.
John R. Porter, private, Company G, Twenty-first Ohio Infantry.
William Bensinger, private, Company G, Twenty-first Ohio Infantry.
Robert Buffum, private, Company H, Twenty-first Ohio Infantry.
Martin J. Hawkins, corporal, Company A, Thirty-third Ohio Infantry.
William H. Reddick, corporal, Company B, Thirty-third Ohio Infantry.
Daniel A. Dorsey, corporal, Company H, Thirty-third Ohio Infantry.
John Wollam, private, Company C, Thirty-third Ohio Infantry.
Samuel Slavens, private, Company E, Thirty-third Ohio Infantry.
Samuel Robertson, private, Company G, Thirty-third Ohio Infantry.
Jacob Parrott, private, Company K, Thirty-third Ohio Infantry.

Eight of these men, whose names appear below, were executed by the Confederate authorities at Atlanta, Ga., in June, 1862: Andrews on June 7; and Campbell Ross, George D. Wilson, Shadrach, Scott, Slavens, and Robertson on June 18. On October 16, 1862, the eight following-named made their escape from prison at Atlanta, Ga.: Brown, Wood, John A. Wilson, Knight, Porter, Hawkins, Dorsey, and Wollam. The remaining six members of the raiding party were paroled at City Point, Va., March 17, 1863. Their names follow: Pittenger, Mason, Bensinger, Buffum, Reddick, and Parrott.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until Monday, August 5, 1912, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 26112) to prescribe the method by which the terms of service shall be computed under the act of May 11, 1912, entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico"; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 26113) granting an appropriation for the destruction of predatory wild animals; to the Committee on Agriculture.

By Mr. ADAMSON: A bill (H. R. 26114) to authorize the people of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R.; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 26115) to provide for a uniform national bank currency; to the Committee on Banking and Currency.

By Mr. FITZGERALD: Resolution (H. Res. 659) to pay Michael Doyle for services as a Capitol policeman; to the Committee on Accounts.

By Mr. BROUSSARD: Resolution (H. Res. 660) authorizing the appointment of a committee to investigate the Mississippi River levees and defining its duties, etc.; to the Committee on Rules.

By Mr. LAFFERTY: Resolution (H. Res. 663) to make H. R. 22002 privileged; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 26116) granting an increase of pension to Adele Norton; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 26117) authorizing the Secretary of War to confer upon David Davis the congressional medal of honor; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 26118) granting an increase of pension to George M. Walton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26119) to remove the charge of desertion from the record of George Osborn, alias George Allen; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 26120) granting a pension to Mary Jane Kuhns; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 26121) for the relief of Louis Burle, alias Ganter; to the Committee on Military Affairs.

By Mr. HOLLAND: A bill (H. R. 26122) for the relief of William Allman and others; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 26123) granting a pension to Virginia A. Hunt; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 26124) for the relief of John Dennis; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 26125) granting a pension to Henrietta Gard; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 26126) to remove the charge of desertion from the military record of Joseph P. Leiter; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petitions of H. E. Young, of Alden Station, and of Hanover Council, No. 251, Junior Order United American Mechanics, of Sugar Notch, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Memorial of Spring City Council, No. 900, Junior Order United American Mechanics, Spring City, Pa., and of Paoli Council, No. 500, Paoli, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the Inventors' Guild, favoring commission to investigate need of change in patent laws; to the Committee on Patents.

Also, petition of the National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of House bill 22417, relative to change in patent laws; to the Committee on Patents.

By Mr. FULLER: Petition of the National Liberal Immigration League, favoring two battleships each year; to the Committee on Naval Affairs.

By Mr. HARTMAN: Petition of the American Opera House, Hopewell. Pa., favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Talking Machine Jobbers of Pitttsburgh, Pa., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. LINDSAY: Memorial of the National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in the patent law; to the Committee on Patents.

By Mr. PARRAN: Petitions of George Bancroft Council, No. 571, and of Fourth Estate Council, No. 170, Order Independent Americans, favoring passage of House bill 25309, requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of citizens of Lansford, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Bishop Rowe, of Alaska, favoring betterment of conditions of natives of Alaska; to the Committee on the Territories.

By Mr. REILLY: Petition of the National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in patent law; to the Committee on Patents.

SENATE.

MONDAY, *August 5, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4838) to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the House had passed the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 22650. An act to amend sections 4214 and 4218 of the Revised Statutes;

H. R. 23673. An act to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen; and

H. J. Res. 346. Joint resolution to correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 18642. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; and

S. J. Res. 103. Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico.

POST OFFICE APPROPRIATION BILL—POST ROADS.

Mr. BRYAN. Mr. President, at the session on Friday night, while the Post Office appropriation bill (H. R. 21279) was under discussion, I had the privilege of submitting some remarks on the provision relating to good roads. In the course of my remarks I received the permission of the Senate to have a table inserted.

I find upon an examination of the RECORD that the table was inserted on pages 10809 and 10810, but appended to the speech of the Senator from Virginia [Mr. SWANSON]. I am not particular as to who may receive the credit for the insertion of the table, my object in making this statement being that Senators may know to what page of the RECORD to refer in order to find the table. While I would prefer that the information collected by the department should have been credited to me, because I had the honor to submit it, and the Senator from Virginia, in view of the position he takes upon this question, might consider it as a liability rather than an asset to his argument, I have taken this opportunity to call the attention of Senators to the place in the RECORD where they can find the table.

OCCUPATION OF MEXICAN TERRITORY (S. DOC. NO. 896).

Mr. CATRON. I ask unanimous consent to have printed as a public document a portion of Executive Document No. 60 of the Thirtieth Congress, first session, in 1848, being the part between pages 149 and 229. It has already been printed as a Senate document, but it is out of print.

Mr. BRANDEGEE. Will the Senator kindly state what the document relates to? What is the subject?

Mr. CATRON. It relates to the occupation of the Territory of New Mexico and the order which was made at that time by Gen. Kearney.

Mr. SMOOT. It is entitled "Occupation of Mexican Territory," message from the President of the United States upon the same.

Mr. CATRON. The part of the document that I wish to have reprinted relates entirely to New Mexico.

The PRESIDENT pro tempore. The Senator from New Mexico asks that the part of the document the nature of which has been indicated by him may be reprinted. Is there objection? The Chair hears none, and it is so ordered.

There being no objection, the order as agreed to was reduced to writing, as follows:

Ordered, That Executive Document No. 60, "Occupation of Mexican Territory," message from the President of the United States, December 22, 1846, Executive Documents, first session Thirtieth Congress, pages 149 to 229, inclusive, be reprinted for the use of the Senate document room.

INITIATIVE AND REFERENDUM (S. DOC. NO. 897).

Mr. CHAMBERLAIN. I should like to have published as a public document an address delivered by Mr. Judson King, March 6, 1912, before the Political Science Club of the University of Washington.

Mr. SMOOT. What is the subject?

Mr. CHAMBERLAIN. It is a comparison of the "checks and balances" of the Constitution with the "safeguards and restrictions" proposed by the initiative and referendum. It is an excellent address.

The PRESIDENT pro tempore. The Senator from Oregon asks that the address may be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. SANDERS, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5135. An act for the relief of John J. Troxell (Rept. No. 1013); and

S. 4030. A bill for the relief of Sylvester W. Barnes (Rept. No. 1014).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 7434) for the relief of Patrick Howe, reported it with an amendment and submitted a report (No. 1015) thereon.

Mr. CRANE, from the Committee on Commerce, to which was referred the bill (S. 7317) to provide increased quarantine facilities at the port of Portland, Me., reported it without amendment and submitted a report (No. 1016) thereon.

Mr. CUMMINS, from the Committee on the Library, to which was referred the bill (S. 5009) authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate the general route of the Oregon trail, reported it with amendments.

JAMES S. BAER.

Mr. SANDERS. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 21952) for the relief of James S. Baer, and I submit a report (No. 1012) thereon. I ask for immediate action on the bill.

The PRESIDENT pro tempore. The Senator from Tennessee asks for the immediate consideration of the bill (H. R. 21952) for the relief of James S. Baer. Is there objection?

Mr. SIMMONS. What is the bill?

The PRESIDENT pro tempore. The Secretary will again read the title.

The SECRETARY. A bill (H. R. 21952) for the relief of James S. Baer.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of the pension laws James S. Baer, late captain Company G, First Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 28th day of September, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. SMITH of Georgia. Can an objection still be made to the consideration of the bill?

The PRESIDENT pro tempore. No; the Chair submitted the request to the Senate and consent was given for immediate consideration.

Mr. SMITH of Georgia. Just the title had been read.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment.

Mr. SMITH of Georgia. I should like to hear the report on the bill. I wish to know what it is.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report (No. 1012) this day submitted by Mr. SANDERS, as follows:

Mr. SANDERS, from the Committee on Military Affairs, submitted the following report, to accompany H. R. 21952:

The Committee on Military Affairs, to whom was referred the bill (H. R. 21952) for the relief of James S. Baer, having considered the same, report thereon with a recommendation that it do pass.

The following statement by The Adjutant General, under date of January 28, 1911, covers the case completely, and from a careful examination of the same the committee agreed that the relief carried in the bill was proper:

It is shown by the records that James S. Baer was mustered into service June 30, 1861, as second lieutenant Company A, First Maryland Infantry Volunteers, to serve three years. He was promoted to first lieutenant, same company and regiment, and was mustered in as such to take effect November 5, 1861. He was subsequently promoted to be captain and transferred to Company G, same regiment, and he is recognized by the War Department as having been in the military service of the United States in the grade of captain Company G, said regiment, from December 12, 1862. With the exception of a short absence on detached service in April, 1864, it appears that he was present with his command from the date of his original muster-in to August 31, 1864.

He was tried by a general court-martial convened in September, 1864, on charge of "drunkenness on duty"; found guilty, and sentenced to forfeit all pay and allowance that were or might become due, and to be dishonorably dismissed the service of the United States. The proceedings, findings, and sentence were approved and promulgated in an order from headquarters of the Army of the Potomac dated September 28, 1864, which order announced that Capt. Baer ceased to belong to the military service of the United States from the date of that order.

In an order of the War Department dated February 5, 1867, so much of the order of the Army of the Potomac of September 28, 1864, publishing the sentence of Capt. Baer, was amended so as to omit so much of the sentence as "forfeits all pay and allowance that are or may

become due him," that part being deemed "inoperative under the forty-fifth article of war," an article then in force which prescribed cashiering simply as the penalty for this offense.

Under date of November 15, 1864, a petition numerously signed by former officers of Capt. Baer's own regiment, as well as the officers of other Maryland regiments, was addressed to the Secretary of War in terms as follows:

"Capt. James S. Baer, Company G, First Regiment Veteran Volunteer Infantry, having been found guilty of the charge of drunkenness on duty (vide inclosure No. 1) by his own plea before a general court-martial convened by orders of headquarters Second Division, Fifth Corps, has been sentenced to be dismissed the service of the United States, with forfeiture of all pay and allowances due him or to become due him; and this sentence, being approved, has since been executed (vide inclosure No. 2).

"Now, without wishing to question form or substance of his trial and sentence we, the undersigned, beg leave to submit to you the following petition:

"Whereas Capt. James S. Baer, Company G, First Maryland Veteran Volunteer Infantry, has tested his patriotism on the 19th day of April, 1861, in Baltimore, Md., not only standing up to the national flag under dangerous and trying circumstances, but actually turned out in arms and defended for five days, under command of Col. E. Petherbridge, the threatened United States arsenal near Pikesville, Md.

"Whereas he furthermore displayed his zeal for the Union by entering the service of the United States on the 11th day of June 1861, and serving faithfully up to the Battle of Front Royal, Va., May 23, 1862, when he was taken prisoner whilst bravely defending and covering the extreme rear of the retreating forces over the bridge, and suffered captivity for over four months.

"Whereas he served out his original term of service and remustered as veteran for another term and as such was in discharge of his duty at his post with his company and regiment in every engagement of the present campaign in which his command participated.

"Whereas the inclosed certificate shows that his physical condition at the same time of the offense was such as if not to exculpate the offender, at least to mitigate the culpability to such an extent as not to call for the extreme penalty awarded under the mentioned charges.

"Whereas this penalty falls more unduly hard upon him and his family, as by the emergencies of this campaign and not by his neglect the arrearages of this pay had accrued to over seven months' salary, of which six months were due him before the offense was committed.

"That in consideration of these reasons the sentence against him may be remitted and he be reinstated, or, if this should be inadmissible, that he may be honorably discharged the United States service."

Accompanying the petition was a letted dated Baltimore, Md. November 14, 1864, and addressed to the Secretary of War, by John R. Kenly, brigadier general of volunteers, in terms as follows:

"The undersigned unites with the officers of the First Maryland Regiment of Volunteers in respectfully requesting that Capt. James S. Baer of that regiment, lately dismissed the service by sentence of general court-martial, may be reinstated.

"Capt. Baer was one of the first in this community who took up arms in behalf of the Government. He was mustered into the service in my regiment in June, 1861, as second lieutenant, and has risen to his present rank by successive promotions. Upon the expiration of his original term of service in June last he again volunteered and has since participated in several battles.

"In view of his courage, capacity, and length of service, I beg you to overlook his indiscretion."

There was also submitted with the petition a certificate of A. A. White, surgeon Eighth Maryland Volunteers, dated November 16, 1864, as follows:

"I hereby certify that at the time Capt. James S. Baer, Company G, First Maryland Volunteers, was put under arrest for drunkenness on duty and court-martialed that he had been under treatment for chronic diarrhea for two months, from the effects of which he was very much reduced and debilitated; and in consequence thereof, in my opinion, a small quantity of stimulant would produce inebriation which in a state of health would have been harmless."

Under date of December 10, 1864 the Judge Advocate General of the Army (Holt) made the following report upon the case:

"Accused pleaded guilty of drunkenness on duty. Proof was also introduced showing that when ordered to assume command of his regiment he was unfit to do so by reason of intoxication.

"His sentence was dismissal, with forfeiture of all pay and allowances. The latter part of this sentence, according to the uniformly expressed opinion of this bureau and the practice of the department, is inoperative and void under the forty-fifth article of war.

"Application is now made for removal of the disability to reenter the service.

"First. A surgeon's certificate states him to have been debilitated by chronic diarrhea to the degree that a small quantity of stimulant would affect him.

"Second. A large number of officers formerly associated with him in the Army testify to his loyalty and faithful and valorous service since June, 1861.

"Third. Gen. Kenly earnestly recommends clemency for the same reason.

"Fourth. Gen. Ayres and Gen. Warren approve the application. Gen. Meade, however, withholding his approval. Gen. Warren states that the accused belongs to one of the most respectable and devoted Union families in Baltimore.

"Fifth. It is represented that he tested his patriotism on the 19th day of April, 1861, in Baltimore, Md., not only standing up to the National Flag under dangerous and trying circumstances, but actually turned out in arms and defending for five days under command of Col. E. Petherbridge the threatened United States arsenal near Pikesville, Md.

"In view of the loyal adherence to the cause of the Union, so bravely exhibited in a disaffected community and at a critical period, as well as the general excellent conduct of the accused in the Army, it is suggested that the disqualification to be recommissioned may be removed without detriment to the service."

Under date of December 17, 1864, a communication from the War Department was addressed to the governor of Maryland advising him that the disability resulting from the dismissal of Capt. James S. Baer, First Maryland Volunteer Infantry, had been removed, and that Baer might be recommissioned should the governor of Maryland so desire; and on the same date Capt. Baer was advised of this action by the department.

Under date of November 1, 1890, James S. Baer applied to the War Department for a certificate of honorable discharge, stating as follows:

"He is the identical James S. Baer who was a captain in Company G in the First Regiment of Infantry, Maryland Volunteers; that he was enlisted in said regiment on or about the 30th day of June, 1861, at Baltimore, Md., as second lieutenant Company A, regiment as aforesaid, promoted first lieutenant Company A November 1, 1861, and promoted captain Company G December 16, 1862; that some of the officers and soldiers of his company were as follows, viz: Col. Nathan T. Dushane, Col. John R. Kenly, Capt. John W. Wilson, Lieut. Seth G. Reed, Robert Neely, Sergt. David L. Stanton; that he was honorably discharged on or about the 28th day of September, 1864, at Washington, D. C., in the State of ——; that his discharge certificate was never received; that he was court-martialed for alleged drunkenness on duty and dismissed from the service; but it having been made apparent to the major general commanding the Army of the Potomac that the claimant being a severe sufferer with chronic diarrhea and by order of the regimental surgeon having taken a prescription of wine that had but a brief temporary effect; that a personal animus prompted his prosecution; that injustice had been done him, the findings of the court-martial were annulled, the claimant restored to duty, and ordered to rejoin his command, paid up in full, but when he rejoined his command found vacancy filled, never received a discharge up to date of restoration, which he now prays as a legacy for his children."

The application for an honorable discharge was denied, and now stands denied, on the ground that the department is without power to set aside or modify a duly executed sentence of a general court-martial or to grant an honorable discharge to a soldier dishonorably discharged pursuant to such sentence.

Respectfully submitted.

F. C. AINSWORTH,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
January 28, 1911.

The SECRETARY OF WAR.

The bill was ordered to a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

Mr. WATSON. Mr. President, I should like to make an inquiry of the chairman of the Committee on Claims. I wish to inquire if he intends to call up at this session House bill 19115, the omnibus claims bill?

Mr. CRAWFORD. Mr. President, I had not intended to call up that bill for consideration at this session, because I have felt that with the mass of important matters pressing for the attention of the Senate and the length of time it would require to consider the bill, it would be practically impossible to consider it at the present session.

Mr. WATSON. Mr. President, this bill has been favorably reported to the Senate for about three months, and there has been no effort to bring it up. As I understand, these are judgments against the Government. All of these claims are due these people, and many of my constituents are urging the passage of the bill. I do not see any good reason for the action of the chairman in this matter. I have understood indirectly that the chairman of the committee does not want this bill passed; that he does not want the Government to pay judgments against it.

Mr. CRAWFORD. Mr. President, I do not recall having expressed any such opinion as that. The majority of the committee have amended the bill and reported it. A number of the members of the committee have joined in a minority report. I have no objections to the Senate considering the bill whenever there is a manifest desire on the part of a majority of the Senate to do so. I assure the Senator from West Virginia that personally I have no desire to play the part of an obstructor against the consideration of the bill. When it comes up, however, I will say to the Senate that it contains perhaps 2,000 different items, and that they are separate and distinct, each resting upon its own facts, which are reported here. In addition to that, I presume there are on the table, awaiting the consideration of that bill, possibly 100 amendments, which contain proposals to enlarge the bill by adding that many divers claims to it. There will doubtless be sharp differences of opinion among Senators as to the merits of a number of these claims; and for the Senate to enter upon the consideration of them will necessarily involve a very lengthy discussion, take it in the aggregate, of the different items.

If it is the sentiment of the Senate that they want to enter upon the consideration of the bill at this session, I wish to assure the Senator from West Virginia that, so far as the chairman of the committee is concerned, there will be no attempt and no inclination on his part to oppose the consideration of the bill in any arbitrary manner whatever.

Mr. MARTIN of Virginia. Mr. President, in justice to the chairman of the Committee on Claims [Mr. CRAWFORD] I feel that it is proper that I should say that I am a member of that committee. I was not present when the bill was reported, but I have discovered no hostility on the part of the chairman of the committee to the payment of proper claims against the Government. The other House sent over to the Senate an omnibus bill embracing cases as to which there had been favorable findings by the Court of Claims. The bill is limited, if not absolutely, substantially—I think entirely—to claims which have passed through the Court of Claims. They are not judgments; they are findings of facts. The Senate committee eliminated a very large number of those claims which had been passed

through the House, claims which were just and proper and ought to have been reported favorably; at least that was my judgment about them. The committee entertained different views and found differently in the report they made. That report of the Senate committee rejecting a very large number of claims which had been passed through the other House opens a wide field for controversy and discussion.

In addition to that, both the Senate and the other House omitted a great many claims which are in serious difference in the Senate, like the French spoliation claims. The Committee on Claims instructed the chairman to press this bill in the Senate and try to get consideration of it in the Senate. The Senator from Kansas [Mr. BRISTOW], who has been a rather persistent opponent of the payment of a large class of the claims that are presented against the Government, entertaining the opinion that they should not be paid, agreed to unite—unfavorable as he ordinarily has been to the payment of any of these claims—with the chairman of the committee to endeavor to get the Senate to take up and consider this bill as reported by the Senate committee. I am sure both of those Senators in good faith desire to carry out that instruction from the Committee on Claims, and that they would have asked the Senate to consider this bill if there had seemed to be the slightest possibility that anything would be accomplished by their efforts.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. MARTIN of Virginia. I do.

Mr. GALLINGER. I will ask the Senator if any of the French spoliation claims are now in the bill?

Mr. MARTIN of Virginia. They are not. No French spoliation claims are in the bill, and the fact that they are not in the bill is one that would bring about a protracted discussion and violent opposition to the passage of any bill that did not include those claims. That was one of the reasons which seemed to make it inexpedient to obtain action of the Senate during the short remaining time of the session.

Mr. GALLINGER. It is quite proper that it should be understood that, if any bill of this kind is to be considered, the French spoliation claims will be offered as an amendment to such a bill.

Mr. MARTIN of Virginia. Many other amendments are to be offered, and a prolonged discussion of the scores of items in difference among Senators is inevitable. I say this as much to set myself right as to do what I consider justice to the chairman of the committee. There is not a Senator on the floor more anxious to have this bill considered than I am. Virginia has a great many claims in the bill, which I believe to be absolutely just, the payment of which has been denied during many years. I am exceedingly anxious to have the bill considered. I know neither the Senator from West Virginia nor any other Senator could be more anxious than am I to have this bill taken up and considered; but in justice to the chairman of the committee and to the Senator from Kansas, I desire to say that I have concurred with them that it would be absolutely impossible at this late day to get the consideration of the Senate for this bill. So I felt that it was necessary for it to go over to the next session and that it would be but a waste of time to attempt to pass it at the present session.

Mr. CRAWFORD. Mr. President, I will say that there is an amendment offered, which the committee did not adopt, which lies on the table, and whenever the bill comes up for consideration it will undoubtedly be pressed with great vigor, which provides that the French spoliation claims be incorporated in this bill. Two years ago, when a similar bill was pending here, the discussion of the French spoliation claims alone occupied the attention of the Senate in debate for days. The Senator from Kansas led the opposition to that bill, and there was an extended debate here running over weeks, when the omnibus claims bill was under consideration by the last Congress, directed to that one series of claims alone. Undoubtedly, if the bill comes up for consideration, those claims will be again presented and involve this Senate in an extended discussion of no one knows how many days. There is an amendment offered proposing that a claim of the Cramp Shipbuilding Co. be attached to this omnibus claims bill, a separate bill upon that subject having been reported unfavorably by the committee. It is a large claim; there seems to be a sharp difference of opinion as to its merits; it will be very vigorously opposed; and it will involve the Senate in an extended discussion.

There are other items in the bill which I know will involve the Senate in extended discussion. Senators will understand that there has been a desire here for weeks to close the business of the session, so that Senators may get away. The appropriation bills, however, are not yet disposed of, and in view of that situation I have felt that unless some general agreement could be arrived at, by which these numerous amendments might be dropped for the purpose of getting the bill through, it would be utterly useless to undertake to dispose of the bill at this session.

I thank the Senator from Virginia [Mr. MARTIN] for his kindness in the matter. I have had repeated conferences with that Senator over the situation. I think he understands that I have been anxious, provided the way could be smoothed so as to avoid extended discussion, to get up the bill, to have it disposed of, and to let the differences be adjusted in conference; but it does not seem possible, Mr. President, to do that.

Mr. TOWNSEND. Mr. President, unfortunately I came into the Senate late. I desire to ask if the Senator is discussing the proposition of now considering the omnibus claims bill?

Mr. CRAWFORD. The chairman of the committee is only discussing it, as he was practically required to discuss it by a rather sharp and pointed inquiry made by the Senator from West Virginia [Mr. WATSON] as to why the omnibus claims bill had not been brought before the Senate prior to this time.

Mr. WATSON. Mr. President, I am very glad indeed to know that the chairman of the Committee on Claims is so anxious to push this bill. The bill having been reported to the Senate for three months, no action having been taken on it, and no effort having been made on his part to get it up, I think I was justified in my remarks.

Mr. GALLINGER. I ask for the regular order, Mr. President.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The Senator from New Hampshire calls for the regular order.

Mr. GALLINGER. I will withhold that demand if the Senator from Kansas desires to make a statement.

Mr. BRISTOW. Mr. President, on behalf of the chairman of the Committee on Claims I think it is proper for me, as a member of the committee, to say that there is not a Senator on this floor who more conscientiously devotes his entire time to the public service than does the chairman of the Committee on Claims; and if the Senator from West Virginia, after he has completed his term here, makes as good a record he will have reflected great credit upon himself and upon his State.

Mr. GALLINGER. Regular order!

Mr. BURNHAM. Mr. President——

The PRESIDENT pro tempore. The Senator from New Hampshire calls for the regular order. The regular order is reports of committees. If there are no further reports of committees, the introduction of bills is in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BACON:

A bill (S. 7420) for the relief of the heirs or estates of Turner Brown and Nancy Brown, deceased; to the Committee on Claims.

By Mr. KERN:

A bill (S. 7421) granting an increase of pension to Joseph Loughry (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A joint resolution (S. J. Res. 130) proposing an amendment to the Constitution providing that judges of the inferior courts shall be subject to recall; to the Committee on the Judiciary.

AMENDMENTS TO THE CONSTITUTION.

Mr. LA FOLLETTE. Mr. President, I beg leave to introduce a joint resolution.

The PRESIDENT pro tempore. Does the Senator from Wisconsin ask for its present consideration?

Mr. LA FOLLETTE. I ask that it may be read, so that it may appear in the RECORD. It will take but a moment.

The joint resolution (S. J. Res. 131) proposing an amendment to the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ART. XVIII. The Congress, whenever a majority of both Houses shall deem it necessary, or on application of 10 States by resolution adopted in each by the legislature thereof, or by a majority of the electors voting thereon, shall propose amendments to this Constitution to be submitted in each of the several States to the electors qualified to vote for the election of Representatives, and the vote shall be taken at the next ensuing election of Representatives in such manner as the Congress prescribes, and if in a majority of the States a majority of the electors voting approve the proposed amendments and if a majority of all the electors voting also approve the proposed amendments, they shall be valid to all intents and purposes as part of this Constitution."

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. JONES submitted an amendment providing for additional pay to the Second Assistant Commissioner of Indian Affairs, whose salary shall hereafter be $2,750, intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

The PRESIDENT pro tempore. Morning business is closed.

AGRICULTURAL APPROPRIATION BILL.

Mr. BURNHAM. I desire to give notice that immediately following the disposition of the conference report on the legislative, executive, and judicial appropriation bill (H. R. 24023), I shall ask the Senate to consider the conference report on the agricultural appropriation bill (H. R. 18960).

DEPARTMENT OF LABOR.

Mr. BORAH. Mr. President, I desire to give notice that tomorrow morning, after the routine morning business, I will ask the Senate to consider House bill 22913, Calendar No. 856, being a bill to create a department of labor.

Mr. SMOOT. Mr. President, will the Senator include in his notice a statement that it is not to interfere with appropriation bills?

Mr. BORAH. Well, I do not expect to interfere with appropriation bills. I do not know that it is necessary to put that in the notice, for I can yield at any time.

Mr. SMOOT. Very well.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 22650. An act to amend sections 4214 and 4218 of the Revised Statutes; and

H. R. 23673. An act to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

H. J. Res. 346. Joint resolution to correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912, was read twice by its title and referred to the Committee on Pensions.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent that the Senate resume the consideration of House bill 21279, known as the Post Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SMITH of South Carolina. Mr. President, I think it was understood when the Post Office appropriation bill was laid aside on Saturday last, during the consideration of the item relative to Federal aid to the construction of roads, that I should have the floor when the consideration of that bill was resumed. I want to address myself for a few moments this morning to specific data in connection with this matter, without regard to any theory that may have been advanced pro or con.

I have before me certain references, which I have been at pains to gather, showing what the attitude of the Government has been in reference to this matter of such prime importance. I myself have no practical knowledge as to what would be the ultimate outcome so far as expenditures by the Government are concerned in reference to road construction; but I have a very clear idea that, dating from the very inception of the Government, nothing has been of more importance to the people at large than efficient highways, particularly throughout the rural sections. These matters that I have gathered I think will throw sufficient light upon the question at issue, at least to modify the contention of some of those who are opposed to the House proposition.

In the discussion of this question the argument of those opposing the House provision is that the amount provided to be contributed by the National Government is absurdly small, in view of the statements made by Senators upon this floor as to the cost of adequate road construction; and it is particularly to that point that what I have to say this morning will be addressed.

The Senator from Mississippi [Mr. WILLIAMS] said that the amount provided was so dribbling and trifling that it would not and could not be seriously considered as entering into the construction of the public highways of the country or contributing materially to their maintenance once they were constructed. According to statistics printed by the United States Department of Agriculture, there is no class of roads which has increased so rapidly and given such efficient satisfaction as sand-clay roads. In a bulletin, House Document No. 582, Sixty-second Congress, second session, after reviewing the different kinds of standard roads and the percentage of increase and decrease, it is said:

> In no other class of improved roads has the mileage increased so rapidly during the five-year period as in the case of the sand-clay roads. The sand-clay construction consists of mixing sand and clay together in such a way as to produce a road which does not become muddy and which remains comparatively firm during wet or dry weather. * * * The progress in this class of construction is shown in Table 4.

I will ask that this table be inserted in my remarks.

I will read a portion of it and ask that the rest be inserted in my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SMITH of South Carolina. Before I read this table, I wish to call attention to the fact—and I hope this matter is of sufficient importance that some of the Senators who oppose the House provision, and particularly the Senator from Kansas, will give me their attention—that the Agricultural Department in its bulletin, House Document 582, in reviewing road construction in its table, Table 4, says:

> From this table it will be seen that the mileage of the sand-clay road has increased from 2,979 miles in 1904 to 24,601.42 in 1909.

It says further in reference to this, on page 8 of the same report:

> In no other class of improved roads has the mileage increased so rapidly during the five-year period as in the case of sand-clay roads. The sand-clay construction consists of mixing sand and clay together in such a way as to produce a road which does not become muddy and which remains comparatively firm during wet or dry weather. This method of construction is confined principally to the southeastern States, although it is now being used to some extent in the Gulf Coast and Middle Western States. The progress in this class of construction for the five-year period is shown in Table 4.

According to Table 5, the average cost of this sand-clay road does not exceed $723 per mile for construction.

I have here also a table which shows the cost of maintenance after construction, but I will take it up later on.

As I take it, the prime object of good-roads construction is to reach the sections of agricultural production and give to these sections a practical, cheap, efficient road. And according to the testimony of the Department of Agriculture the sand-clay method, with the dragging process, seems to be the solution of the problem.

As I shall show and will quote later on, even in the clay districts this method of dragging the roads immediately after a rain has produced roads at a minimum cost which have been as efficient in their service as the best macadam roads for a certain kind of traffic.

Thirty-two States of the Union report a marvelous increase of these roads and a satisfactory use thereof. Granting that these roads cost but an average of $723 per mile for construction, and that a State or county bonds itself to procure the money to construct them, and that this money is secured at from 3 to 5 per cent interest, the $15 per mile proposed in the House bill will practically pay one-half of the interest on these bonds.

The cheaper the money may be borrowed upon these bonds the nearer the appropriation will come to paying the interest thereon, so that a community bonding itself for the construction of the road will practically be at no expense for the construction, so far as the taxpayer is concerned, or an additional taxation for the interest on the bonds. The enhanced value of the property contiguous to such roads increases its taxing value, and the State or community can by this additional increase in the valuation of the property create a sinking fund for retiring its bonded indebtedness without having the additional burden of paying the interest on these bonds and at the same time granting to the people of the community an efficient means of transportation and communication.

Mr. BOURNE. Will the Senator from South Carolina permit a question?

Mr. SMITH of South Carolina. Certainly.

Mr. BOURNE. As I understand from the Senator's presentation, he expects, on the cost of the construction of roads which he has stated, that the contribution or the rental paid by the Federal Government will pay half the interest charge.

Mr. SMITH of South Carolina. In some instances it will pay all.

Mr. BOURNE. The Senator says that on the average the cost of construction is seven hundred and odd dollars a mile.

Mr. SMITH of South Carolina. Yes.

Mr. BOURNE. What provision could be made for a sinking fund without a burden on the community or on the land itself served by the increased facilities?

Mr. SMITH of South Carolina. My language there was to the effect that it would relieve to the extent of the amount the Government paid in the remittal of the interest on the bonds the burden of the local government to pay the interest on those bonds. In other words, if the community bonds itself at 3 per cent for the amount used in the construction of the road, the interest on that amount, the bonded indebtedness, would be paid by the Government, and the community would only be at the expense of keeping up the roads, maintaining them at that standard of perfection, and would, by virtue of the increased value of the property, be enabled, if it saw fit, to take the taxes from the increased value and create a sinking fund, and thereby practically relieve the community in the course of time from paying any interest on its bonds and ultimately liquidate the bonds.

Mr. BOURNE. Under the Senator's presentation, if the cost of construction of roads on the average was $700 per mile of road and the bonds bear 3 per cent interest—providing the community was able to float bonds at that rate of interest—still the community would have to bear a portion of the interest on the bonds. It would also have to bear the expense of the maintenance of the roads. It would also have to bear the taxation or the burden incident to a sinking fund for the retirement of the bonds.

Mr. SMITH of South Carolina. Yes.

Mr. BOURNE. The Government would simply pay about two-thirds of the interest on the bonds, on the assumption that the road cost $700 per mile and that the bonds bearing 3 per cent interest could be sold at par.

Mr. SMITH of South Carolina. I will say that further on I will show, according to experts—Government officials—that there is a difference of opinion as to the cost of construction of these rural roads, which is the matter of greatest importance to us, and that the highest average cost is $700.

I want to say further that according to one expert in a statement in a Government document, in different communities where experiments were made with sand-clay roads, that the increased valuation of the property contiguous to the roads had risen in two years from 50 to 100 per cent. Therefore the taxing valuation of the property had risen by virtue of the increased facilities for transportation for what is produced and for what is received from 50 to 100 per cent, and therefore the taxes that were laid upon it under the first valuation would practically, by the same number of mills, have doubled. Therefore those who had charge of the tax matters of the community had that increased tax to use in their judgment as a sinking fund to liquidate the bonds at their maturity, while the Government practically paid upon the cheap and efficient construction the interest on the bonds for the construction, and thereby give the whole rural community an efficient road service without an appreciable burden upon them; or, in other words, without giving a quid pro quo for what they received in the way of taxation upon the increased valuation of the property.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. SMITH of South Carolina. I do.

Mr. GALLINGER. I understand the Senator from South Carolina to say that in some sections of the country the construction of roads at a cost of seven hundred and odd dollars a mile had increased the value of the contiguous property 50 to 100 per cent.

Mr. SMITH of South Carolina. I do.

Mr. GALLINGER. What kind of roads had they before the $700 a mile road?

Mr. SMITH of South Carolina. They had streaks—not roads. They just had the surface.

Mr. GALLINGER. In what part of the country was that?

Mr. SMITH of South Carolina. I shall be glad to read from House Document 121, from the Government of the United States, page 754, a document printed in 1912:

> During the spring of 1910 an investigation was begun to ascertain the economic effect of road improvement upon communities. In this work counties were selected in which the roads were exceedingly bad and in which bonds had been issued for the purpose of improving the main roads. A preliminary study of these counties was made after the bonds had been issued and the roads selected, but before the actual work of improvement had begun. The amount of bonds issued and the names of the counties included in this investigation are as follows.

Then it gives Spottsylvania County, Va.; Dinwiddie County, Va.; Lee County, Va.; Wise County, Va.; Lexington Township, Davidson County, N. C.; Beat No. 1, Lauderdale County, Miss.; Russell County, Ala.; Dallas County, Ala.; Mantee County, Fla.; Wood Township, Clark County, Ind.; Riverton Township, Mason County, Mich.

That is a Government report, not my word.

Here is their conclusion, not my word.

The report says:

> In the counties where this investigation has now been in progress for two years it has been found that the price of land lying along the improved roads has already increased in value from 50 to 100 per cent.

Mr. GALLINGER. Who made that report, if I may ask the Senator?

Mr. SMITH of South Carolina. This is the report made by the Secretary of Agriculture, Mr. Wilson, upon the investigation, as I understand, of over 400 experts, and hence the contention and the argument I am making now.

Now, I will go further. He says——

Mr. GALLINGER. If the Senator will permit me, all I want to put in the RECORD on that point is that it seems to me incredible that any such result could have followed, scattered all over this country, including portions of several States—that the improvement of a road at an expenditure of $700 a mile would have doubled the value of the real estate contiguous to that road.

Mr. SMITH of South Carolina. Without making any reflection upon the Senator from New Hampshire, it is simply because the Senator from New Hampshire is not familiar with the conditions of all of the country or of most of the country. I mean the rural districts.

Mr. GALLINGER. The Senator from New Hampshire has been over a considerable part of the country and is very familiar with rural conditions.

Mr. SMITH of South Carolina. I suspect, then, if the Senator from New Hampshire was as familiar with rural conditions over the entire country as he is with conditions in New Hampshire, that he would agree with this. The Senator from South Carolina has considerable intimate knowledge of rural conditions on the Atlantic seaboard, and also the Piedmont, and believes the Government statement correct. I am not familiar with conditions that may obtain in and around and contiguous to the large cities and villages of New Hampshire, but I will take occasion, in the course of the remarks I am making to show that the cost of construction in some of the rural districts is higher, but it is almost a negligible quantity, when you come to consider the vast area of the agricultural districts over which light vehicles go. These ramifications of roads from villages and towns to which they converge divide their traffic as they multiply, while as they converge to the towns they multiply rather than divide the amount of the traffic. I suspect that wherein we get our incorrect idea of the kind of roads and the cost of construction is by virtue of being dwellers of cities and towns, accustomed to the great and congested traffic coming into the centers of transportation.

It was very startling to me when I first had occasion to search the figures. There are 2,151,379 miles of public rural roads in America. There is a total of improved roads in America of only 190,467 miles. Only 8 per cent of the entire public roads of America are improved.

Mr. BOURNE. Will the Senator from South Carolina permit me?

Mr. SMITH of South Carolina. I do.

Mr. BOURNE. Do I understand, then, that only 8 per cent of the roads in America to-day would come under the provisions of what is known as the Shackleford bill, if enacted?

Mr. SMITH of South Carolina. Only 8 per cent.

Mr. BOURNE. Only 8 per cent would come under it?

Mr. SMITH of South Carolina. Yes.

Mr. BOURNE. What would you do with the million miles of road which are used now by rural carriers?

Mr. SMITH of South Carolina. The bill itself provides an argument in favor of the contention of those who favor the House provision—that out of 2,151,379 miles of public roads in America only 8 per cent are improved; and some of us find out by that why it is that the cost of living is so high and the unequal distribution of prices throughout this country, by virtue of the fact that we have not given sufficient attention to these great roadways that run into the agricultural communities, by giving them a sufficient means of transportation and communication.

Mr. BOURNE. I think every Member of the Senate—I am sure every member of the Committee on Post Offices and Post Roads—is favorable to good roads, is favorable of a plan when demonstrated to be practicable and desirable, that will be conducive to the construction and maintenance of good roads. I think every member of the committee is cognizant of the fact

that improved transportation facilities are beneficial to the communities served by same.

The question and study before the committee have been whether the Shackleford bill, as passed by the House, was, in the opinion of the committee, a practicable plan, which warranted them in giving it their support. The majority of the committee did not believe that there had been sufficient study given to the subject or that there had been sufficient data collected to justify the bill presented in receiving their support. They recommended as a substitute the creation of a joint committee for the purpose of making a study and reporting to Congress at its next session.

The question before the Senate is not the desirability of good roads—not whether they would benefit the community. I think we all concur that they are desirable and that they will benefit. The question is whether the bill as passed by the House should receive the support of the Senate.

Mr. SMITH of South Carolina. That is exactly the point I *am addressing* myself to. I am arguing that the principle involved in the House proposition is the correct principle. Later on in my speech I shall discuss that and I shall give some evidence as I go further into it to prove my conclusion.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from South Carolina yield to the Senator from Nevada?

Mr. SMITH of South Carolina. I do.

Mr. NEWLANDS. Let me suggest to the Senator from New Hampshire that the statement to which he has called attention, that the construction of roads may add 50 per cent to the value of the adjoining property, perhaps 100 per cent, of course sounds very absurd as applied to thickly settled regions like those of the New England States. Massachusetts, for instance, is almost one vast municipality, and the country roads connecting the different towns and cities have the perfection of city streets. There lands are of higher value, and perhaps it would be a startling statement to say that a section of good road there would add 10 per cent to the value of the adjoining lands, worth perhaps from $50 to $200 and more an acre.

But in the South and in the West there are large areas where the land possibly may not be worth more than $5 or $10 an acre, and the construction of a road, however rude, would add $5 or $10 or $15 an acre to that land, because it makes it accessible and convenient, whereas the addition of $5 or $10 or $15 an acre to the value of the land in New England would hardly be appreciable. In the one case it doubles the value of the land; in the other case it adds only 5 per cent, or perhaps 10 per cent, to the value of the land.

Whilst I have not any well-defined view in regard to the present Shackleford bill, I think the principle is a correct one, and that a mileage appropriation throughout the country will do more to advance roads throughout the entire country and increase agricultural production and diminish the cost of agricultural products than any other thing that can be done.

Mr. GALLINGER. Will the Senator from South Carolina permit me?

Mr. SMITH of South Carolina. Certainly.

Mr. GALLINGER. I think the differentiation the Senator from Nevada has made does to a large extent make answer to the objection I ventured to submit. There is a very great difference between the thickly settled parts of the country and the sparsely settled parts of the country, and there is a great difference between parts of the country where we have tolerably good roads and those——

Mr. SMITH of South Carolina. Where we have intolerable roads.

Mr. GALLINGER. And those the Senator from South Carolina stated were trails, or something of that kind. I can see very clearly that if the land is to-day at a very low cost in certain portions of the States and the roads are intolerable an improved road would undoubtedly increase the value of the property to a very considerable figure.

Mr. SMITH of South Carolina. Now, Mr. President, in pursuance of the idea that I suggested, that at $700 per mile this $15 would go largely toward the liquidation of interest on bonds in case the communities saw fit to issue bonds and would pay the interest on the money that they themselves advanced in case they did not issue the bonds, I wish to say, what everyone appreciates, that the cheaper money may be borrowed, the cheaper the road may be constructed, the nearer the appropriation will come to pay the interest thereon.

The Senator from New York [Mr. ROOT] in his remarks the other day said:

> To put the Federal Government alone in the position of having to pay for using a public highway which is free to all the rest of the world—I say, it is nothing but a subterfuge, a plain, flimsy, subterfuge—to get money out of the Federal Treasury and tax the people of this country thousands of miles away to keep up roads in the State of Virginia and other States who want to get this subvention.

There is a cry throughout the country in reference to the high cost of living. The Senator from New York is as much interested in the truck-growing, food-producing, textile-producing—in a word, the agricultural districts, the horticultural districts, the animal-industry districts—as the man in the South or West, where these things are produced. It is of prime importance to the producers of farm products to have adequate facilities for reaching the market as it is of prime importance to the nonproducer, but consumer, who buys these products.

Therefore it is not a question of one community—what they will receive or what they will spend—but it is a question of the united communities providing for such facilities that all may enjoy the benefits of these facilities.

Coming to the point that the Senator from New Hampshire raised, the towns and cities and villages, by virtue of density of population, the power of municipal taxation, and therefore small per capita taxation representing concentrated traffic need and should have in and around within a reasonable radius heavier and perhaps more costly roads. Traffic greater, wear and tear greater; but the ramifications of country roads in different directions as they diverge from these centers have less traffic per road, less wear and tear, therefore cost less. It is therefore to these branching roads—these feeders to the centers—that the attention of the Government should be particularly addressed.

Page 574, House Document No. 121, I have already practically quoted. Also, in reference to the increased value of the land. The Scientific American of date March 16, 1912, in an article by Logan Waller Page, Director of the Office of Public Roads of the Department of Agriculture, in discussing Federal assistance in the good-roads movement, says, and I invite the attention of those Senators who are interested to what Mr. Page says in reference to this very question under discussion:

> In order to reduce the cost of road building to a minimum and place good roads generally within the reach of every community, it is necessary that local materials be utilized to the fullest extent possible. Available materials, local conditions, road location, and character and density of traffic must all be carefully studied if we would avoid costly mistakes. Thus in large areas of the United States hard road materials are almost or wholly lacking, while the traffic is in general not very heavy. Here we find that by proper grading and drainage, together with systematic maintenance, our common earth or clay roads can be made to answer the present needs fairly well.

I invite just here at this point the attention of Senators, as to the cost of construction of this kind of road, to the statement by the head of the Good Roads Department of the Department of Agriculture. He says:

> In the greater portion of the agricultural districts of the South the cost of this form of construction is very low, ranging from about $300 to $600 per mile. This is no more than some of our States are finding that it costs annually to maintain the macadam roads subject to heavy automobile traffic.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH of South Carolina. I do.

Mr. BOURNE. I should like to ask the Senator if the Agricultural Department are favorable to the passage of the House bill?

Mr. SMITH of South Carolina. I have not interrogated them, and therefore I am unable to answer that query.

Mr. Page further said:

> In order to reduce the cost of road building to a minimum and place good roads generally within the reach of every community, it is necessary that local materials be utilized to the fullest extent possible. Available materials, local conditions, road location, and character and density of traffic must all be carefully studied if we would avoid costly mistakes. Thus in large areas of the United States hard road materials are almost or wholly lacking, while the traffic is in general not very heavy. Here we find that by proper grading and drainage, together with systematic maintenance, our common earth or clay roads can be made to answer the present needs fairly well, nor is there any loss through this method of procedure. The earth built up in this manner forms the very best foundation on which to place a hard surfacing later, when means become available or the traffic becomes so heavy as to demand it. In the meantime we are learning the lesson of proper, systematic road maintenance, which at the present time is generally most sadly neglected on all of our roads.
>
> In the Southern and Southwestern States especially there are large sections where sand and clay are readily obtained. Clay and sand, when mixed in proper proportions, make a very good road surface for moderate traffic. The sand is very hard and admirably suited to resist abrasion, lacking only in adhesion or in binding power to form a firm road surface. The binding value is supplied by the clay. Only enough clay should be added to fill the voids, as its only purpose is to act as a binder. To secure the best results the sand should be sharp and fairly coarse, while the clay should possess a high binding value and be of fairly constant volume; that is, it should vary but little in volume with different amounts of moisture. Some of the so-called "ball clays," or sticky clays, while very difficult to incorporate uniformly with the sand, when properly mixed with a suitable sand form a very good road surface. The ball clays give much better results than loam or slaking clays. Such a road surface seems to be affected but little by moderate automobile traffic. Surface treatments of different kinds of oils have been tried on the sand-clay roads, but so far these

applications have been productive of but little good. The material seems to be too dense to permit even a quite liquid oil when applied hot to penetrate appreciably into the surface. * * * In the South the automobile traffic is as yet comparatively light, so that we have very little definite knowledge of how the sand-clay roads are going to behave under heavy auto traffic. All we can say is that so far under moderate traffic the results obtained from this class of construction are most gratifying. The advantages of the sand-clay road have proved so great in the South that it would be advisable for many other rural regions to consider the possibility of using this class of construction before adopting other and more expensive methods.

I notice particularly the last paragraph. I think it is very essential to this discussion.

It says:

In the greater portion of the agricultural districts of the South the cost of this form of construction is very low—

I invite the attention of the chairman of the Committee on Post Offices and Post roads to this language—

ranging from about $300 to $600 per mile. This is no more than some of our States are finding that it costs annually to maintain the macadam roads subject to heavy automobile traffic.

I hope those Senators who are present will note what it indicates as being one of the means of the destruction of that very costly road.

Mr. Page says:

In the South the automobile traffic is as yet comparatively light, so that we have very little definite knowledge of how the sand-clay roads are going to behave under heavy auto traffic. All we can say is that so far, under moderate traffic, the results obtained from this class of construction are most gratifying. The advantages of the sand-clay road have proved so great in the South that it would be advisable for many other rural regions to consider the possibility of using this class of construction before adopting other and more expensive methods.

In substantiation, as cumulative testimony on this point, in Bulletins Nos. 21 and 26, United States Department of Agriculture, proceedings of the National Good Roads Congress held at Buffalo, N. Y., September 16–21, 1911, Col. W. H. Moore, president of the association, says in his address, on page 7 of this bulletin, what I shall read. I should like to read it just to give the experience of those who have dealt with this subject. I will begin with the first part of the paragraph:

In going through the various States, and I have recently had rather a large experience along that line, inquiry has been made again and again by those high in authority as to why Congress should do so much for the rivers and harbors, appropriating sometimes $20,000,000 for their betterment, and at the same time give to this question of primary importance—the question of common roads—little or no attention. It has been a mystery to a vast number of people that so little should be done by Congress for good roads.

To this I invite special attention. He says:

I do not believe that the Government will for a long time be in a position to build roads for the States. I do not believe such a thing should be advocated; but I do believe that, as the Government owns our post offices and carries the mails, it is proper for Congress to further the improvement of roads. The Government is pushing forward along the line of free mail delivery to all the people. Congress has set aside millions of dollars for that purpose, yet the office of public-road inquiries received from Congress at its last session an appropriation of but $20,000. I can not understand why more liberality was not shown. It is the duty of Congress to promote organization.

It is not a question of how much each State shall now receive, if the House provision becomes a law, it is simply a question as to whether or not this House provision will materially aid in the maintenance of roads constructed and serve to stimulate further construction of distinctly country roads, such roads as cost a minimum and in the aggregate give a maximum of beneficial results to the public at large.

In my opinion the principle involved in this proposed legislation is correct. Whether the amount proposed to be appropriated for the different classes of roads is correct, experiments and practical application will prove.

It appeals to those who have studied the question in one peculiar phase, that of eliminating governmental interference with the sovereignty of the States.

As early as 1819 John C. Calhoun, then Secretary of War, in his report to Congress on January 7, began this report by saying:

A judicious system of roads and canals constructed for the convenience of commerce and the transportation of the mails only, without any reference to military operations, is itself among the most efficient means for the more complete defense of the United States.

The Senator from New York [Mr. ROOT] said the other day in discussing this question he did not think it equitable, right, or just for the United States Government to appropriate money for the benefit of people thousands of miles away, while John C. Calhoun, clear, logical reasoner, says:

The expense ought not to fall wholly on the portions of the country more immediately interested. As the Government has a deep stake in them * * * it ought at least bear a proportional part of the expense of their construction.

In conclusion I desire to say that where the material for cheap, efficient road construction is not available, where the cost of construction and maintenance of these roads become more costly, the appropriation of the Government should likewise be greater. Every citizen of the United States is directly and personally interested in every mile of public road in these United States. As they become more efficient the facilities for transportation and communication become more efficient; and as these become more perfected the prices of commodities and the cost of living become more uniform and stable. It is therefore not a question of the United States Government taking money from its Treasury and benefiting people a thousand miles away, but it is a question of a united people contributing out of their common fund to aid citizens of a State a thousand miles away in becoming efficient contributors to the common welfare and prosperity of all the States.

Now, Mr. President, I want it distinctly understood that, in conclusion of what I have to say on this subject, I believe in the light of figures submitted in the experience of road construction throughout the rural districts of America this proposed legislation by the House is eminently in the right direction and constructed along proper lines.

I do not know—I have no means of knowing—whether $15 for the rental of a dirt road when kept in adequate condition is enough; I do not know whether $20 for the gravel or clay road is enough; I do not know whether $25 for your macadam road is enough; but I do know that where all the people desire to contribute of their surplus products to the benefit of those who do not produce, the foodstuffs and the different raw materials that enter into the consumption of our people, and where those who do not produce these desire efficient means of receiving them, the Government can not enter into a better work than that of seeing that the means of transportation and communication to the remotest districts shall be as efficient as possible, and whether one State under this bill by virtue of its good roads shall receive twice as much as another has nothing to do with the argument at all.

If I, in South Carolina, have not the facilities for sending my produce to market and thereby am eliminated from competition, all other States, every market in the world, feels this lack of competition. It is for the common people, all the people, who want an efficient supply from American soil for the American consumer to enter into this road construction that the produce of this country may have equal facilities for reaching the centers of distribution for the benefit of all the people. Then the State that has not good roads will double and treble, in the form of produce put on the market, its payment back to the different States who contribute out of their taxes to promote road building in that State.

It is almost puerile to argue this point for the reason that the undeveloped West with its marvelous resources had but to knock at the door of the Federal Treasury in order to promote railroad building, trail-building, wagon-road building, in order to invite settlers to settle along these highways; and from the produce of the soil contributes to the general welfare.

The main point of this proposed legislation from the House that appeals to me more than another is that the Government simply says that the different States shall construct efficient highways over which Government mail may go and that the Government will contribute. As Mr. Calhoun said in his report in 1819, as the Government has such a great stake at issue, to bring these roads to the standard which is designated in A, B, and C, it will contribute its pro rata share out of the common funds of all the people for the benefit of all the people.

I am not wedded to the appropriation of fifteen, twenty, and twenty-five dollars, according to classification of road; I am simply wedded to the principle, and if two, three, four, or five years from to-day I, as a friend of the development of agricultural communities, find that this amount is not sufficient, I shall without hesitation vote to double it, to quadruple it, and, if necessary, to add whatever may be necessary from all the people to develop the means of bringing all the people into communication each with the other, and allow those districts of our common country which produce citrus fruits to find easy and efficient means of supplying those who desire that kind of produce, and those who produce textiles to find easy and efficient means of reaching the market for those who desire textiles; and in like manner the manufacturing centers, when they have worked over our raw materials, to find easy and efficient means of reaching the consumer without burdening him with a mudhole tax and the ruin of his vehicles.

No man on this floor has a right to stand here and carp at this proposed legislation because it may be immature, tentative, experimental, and plead for a commission composed of those who live in and around cities and ride in Pullman cars; who do not understand that, as the roads leave the cities and villages they ramify, that the traffic is divided as many times as the number of roads ramify in different directions and concentrate in the same proportion as the roads find the turnpikes that lead into the cities. Hence the cost of the construction

of roads contiguous to our cities must of necessity be more. This leads to a fallacious idea by those who are inhabitants of the cities and towns as to the cost of public road construction.

For one, I shall vote for the House provision on the ground that the Government proposes to begin to pay its pro rata share for the use of this efficient means of reaching all the people by a contribution of all the people for the benefit of all the people.

Mr. POMERENE. Mr. President, I only care to say a few words. I have no doubt about the constitutional authority of Congress to give national aid for the building of public highways; I have no doubt that right policy suggests national aid. The only question in my mind is the extent to which the National Congress should go and the plan that should be adopted. I had hoped that the House of Representatives would present some plan which could meet my approval. A portion of this plan is not seriously objectionable; but that which calls for the largest expenditure of money, in my judgment, is objectionable. I am disappointed that the Senate Committee on Post Offices and Post Roads has not seen fit to suggest some plan which we could adopt now, in order that we might at the earliest moment possible give substantial aid to the State and to the local authorities in the construction of permanent highways.

In my own State of Ohio, on September 3, we propose to vote on a constitutional amendment which will authorize the issuance of $50,000,000 of bonds for road improvement. The State of Pennsylvania, I am advised by the public prints, contemplates an expenditure of $100,000,000 for the same purpose. This is an opportune time for Congress to take up this subject; but it does seem to me that if we are to adopt the plan which is proposed by the House instead of encouraging the permanent improvement of highways we shall be discouraging it, for this reason: In the report which I have before me, that was submitted by the Committee on Agriculture of the House, it appears that under what is known as class A there are now in the country 35,000 miles of improved highways, in class B there are 83,000 miles, and in class C 1,061,000 miles. Class A, without referring to the bill, includes such roads as are made by vitrified brick or by shell; class B includes roads which are made with burnt clay, gravel, or a combination of sand and clay or sand and gravel or rock and gravel; and class C, which includes the 1,061,000 miles of highways, embraces roads which are continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that they shall be reasonably passable for wheeled vehicles at all times. It does not pretend to describe the material with which this class of roads shall be improved, as I construe it. It embraces roads or highways composed simply of the soil which may exist in the locality, whether it be sand or gravel or clay.

The appropriation which is contemplated by this bill under the House plan would mean an expenditure of $25 per mile for class A roads, a cost to the Government of $875,000. Class B roads, with 83,000 miles, at an expenditure of $20 per mile, would cost $1,660,000, while class C roads, including, if I construe this provision rightly, that class of highway which is composed simply of the soil which may exist in the several localities, have a mileage of 1,061,000, which, at $15 per mile, would mean an expenditure of $15,915,000; in other words, we will expend for the improvement of high-class roads about two and a half million dollars, whereas we will under this bill give for unimproved roads $15,915,000; so that about five-sixths of this expenditure will go to keeping in repair simply dirt roads which exist in every community, irrespective of the amount of the improvement which the localities may make.

I am not sure that I am placing the right construction upon the language of the House provision, because in order to get any of this money the road must be—

> Continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times.

Now, what does that mean? In many of our localities where the soil is composed of clay, during an open winter or when frost is coming out of the ground in the spring, the very best of the highways are almost impassable.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. POMERENE. I do.

Mr. SMITH of South Carolina. I have not the bulletin with me, and am sorry that I left it at my office; but the Division of Good Roads has demonstrated beyond any doubt that even in the districts to which the Senator refers, namely, the clay country, the piedmont country, and the foothills in our mountainous regions, wherever there is anything like adequate drainage on the sides and the surfaces are rounded by a process of dragging, which costs—I will not repeat the figures, but will get the bulletin and submit the figures to-day, if this discussion does not close—by subsequent dragging just after a rain, within a year or two years the surface becomes as hard, as compact, as impervious to water, and as a consequence of being impervious to water, as impervious to freezing necessarily as the best bound clay or macadam road.

Mr. POMERENE. Mr. President, meaning no disrespect, I suspect that that commission obtained its information in the office instead of by actual travel upon the highways; otherwise that statement would not be made.

Mr. SMITH of South Carolina. I hope the Senator wants to be perfectly fair in this, and I am sure I do.

Mr. POMERENE. I do absolutely.

Mr. SMITH of South Carolina. They name the localities, they name the parties engaged in this kind of construction, and give the result of their investigation by States. Therefore it would be very easy for the Senator from Ohio and myself, if we were in doubt as to the truthfulness of the statement I have just made, to inquire of those communities whether the result as claimed in this bulletin is true or untrue.

Mr. POMERENE. Mr. President, I do not know to what localities the Senator refers, neither do I know of the chemical composition of that soil; but I do know by actual experience in certain sections of Ohio, where they have clay roads, that it would be a physical impossibility by the mere dragging process to have the roads smooth during the winter season when they have an open winter or during the spring when frost is coming out of the ground.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further?

Mr. POMERENE. I do.

Mr. SMITH of South Carolina. I should like to state right there, because it is the proper place to state it, that it is claimed that during the period intervening between frosts the road can be so perfected by virtue of the cheap process of dragging that the winter frosts have practically no effect even where there is nothing but pure clay, going upon the theory that dragging and repeating the process after each rain during the period intervening between the frosts produces the same effect as the mixing of clay by mechanical processes, getting it ready for burning the bricks, both under the old method of tramping with animals and the modern method of mixing with a machine, so that by the time the frost does come you have a compact clay surface so amalgamated that it is bound together and produces a satisfactory road at a minimum cost, even in the mountain regions.

Mr. POMERENE. I trust I may be pardoned if I should prove to be a doubting Thomas on that proposition, but I think an ounce of experience is worth a pound of theory. I have not the figures at hand which would justify me in making any estimate as to the cost of keeping up one of these clay roads by the process of dragging, but I do think that I am safe in making the statement that $15 per mile per year would be a very substantial portion of that cost. It seems to me that if we are to get the most out of the appropriations which we are to make for this subject, we should encourage the permanent improvement of the highways rather than the keeping in repair of the ordinary dirt road.

Mr. SMITH of South Carolina. It is claimed that the dirt road is permanent after a few years of the treatment to which I have referred.

Mr. POMERENE. Well, as I have said, I am a doubting Thomas on that subject.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. POMERENE. Yes.

Mr. REED. If the Senator will pardon me, I do not rise to get into any argument on this subject at all, but I think the Senator probably has overlooked the fact that the $15 a mile is not to be used for ordinary dirt roads; it is only to be used on those roads which are ditched, rounded, and dragged, so as to produce a hard surface, although the material may be the ordinary material——

Mr. POMERENE. Which exists in that locality——

Mr. REED. Which exists in that locality; but there is a vast difference between that kind of a road and simply a native road which is not ditched, which is not dragged, and which is not brought to this condition; in other words, it is the difference between a high-class dirt road well kept up and an ordinary road, so that it would seem to me that would make a difference.

Mr. POMERENE. I think the matter of mechanical construction would have something to do with it, but it is nevertheless an ordinary dirt road; and, in my judgment, if the Federal Government should pay at the rate of $15 per mile for keeping

in repair that kind of a road, instead of its encouraging the local authorities permanently to improve their roads, it would encourage them to rest on their oars and permit all improvements and repairs to be made at the expense of the Federal authorities alone.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. I do.

Mr. BRYAN. I suggest to the Senator from Ohio that there is no provision as to the width of the roads falling under class C. Class A and class B roads are required to be at least 9 feet wide. I think it will be taken for granted that hardly any improved road would exist which would not have a width of at least 9 feet, because otherwise it would be impossible for wagons meeting each other to pass, yet when you come to class C roads there is no provision as to even that width; in other words, they are not required to be even 9 feet wide, leading to the conclusion that they might only be of the width necessary to accommodate one wagon and not of sufficient width to allow wagons to pass. Why, then, if these roads are to be drained by ample side ditches, would it be objectionable to have a provision requiring them also to be at least 9 feet wide? The answer, it seems to me, must be that the roads are not expected to be maintained at 9 feet in width, and that they are intended to be classed within class C, so that the ordinary country road in its natural condition shall receive benefit under this act.

Mr. POMERENE. The Senator from Florida is entirely correct in his statement of facts, and I am afraid he is correct in his statement of the purpose of the manner in which this act is drawn.

Mr. SMITH of South Carolina. I should like to say to the Senator that the figures as to the cost of construction of the sand-clay road, the macadam road, and the bituminous road, which goes up into the tens of thousands, were all predicated upon a hard surface of 13 feet. The usual road bed, or the right of way as it is called, is 30 feet. The contemplation here was a hard surface to be put on as a means of continuing passage and to avoid the delay of hardening the surface the entire 30 feet of the right of way——

Mr. POMERENE. To what plan does the Senator refer?

Mr. SMITH of South Carolina. I am referring to the estimate which I read, where it said it cost $723 a mile. The hardened surface was 13 feet. This bill—I have not looked at it—the Senator from Florida says proposes 9 feet. I should suppose that if the estimate had been for only 9 feet in the figures I have read, a sand-clay road might be built for the difference between 9 and 13 feet, and therefore cost less than the Scientific American says—cost less than $300 a mile.

Mr. POMERENE. The Senator is referring to a highway which is permanently improved by some composition of sand and clay. But that is not the kind of road to which I have been addressing myself. It seems to me that before we appropriate this vast sum of money there ought to be more consideration given to the adoption of some permanent plan of improvement which the Federal Government would be willing to aid. I realize that a comparatively small sum of money may do a great deal toward encouraging the permanent paving of highways throughout the country.

Perhaps two years ago I gave some little investigation to this subject, and, with the permission of the Senate, I want to give some of the figures which I then collated.

The average cost of a battleship is $10,000,000. The average cost of making a paved roadway 14 feet wide, constructed out of the best vitrified shale paving brick, is about $15,000 per mile. The price of one of these battleships would build 660 miles of paved highway, made out of the best vitrified brick, to a width of 14 feet. In other words, at the price of one of these battleships, three highways could be constructed across the State of Ohio from north to south or from east to west.

The Senator from Mississippi [Mr. WILLIAMS] the other day suggested that it would cost $1,200 per mile to make a good gravel highway. Assuming that it would cost $1,250 per mile, at the cost of one of these battleships you could build 8,000 miles of graveled highway. Now, I do not say this in opposition to the improvement of our Navy so much as I do to show what we can do with the expenditure of a few million dollars carefully and economically placed.

My thought has been that the Federal Government should grant this aid in such a way as to give the maximum of encouragement to the local authorities, and I believe that if some plan were adopted whereby the Federal Government would give to the local authorities so much per mile for the construction of a paved highway, and so much per mile for a graveled highway, or any highway made of any material which was of a permanent character, we would thereby encourage the local authorities and the State authorities to help along this good cause.

All of us must agree that there is a great necessity for this kind of improvement; we will all agree that it has been too long neglected, and the concern of all is to adopt some plan which will give the maximum of good at the least expenditure. For that reason it seems to me it would be unwise now to expend nearly $16,000,000—accurately speaking, $15,915,000—out of a total contemplated expenditure of $18,450,000, in order to help to drag a few dirt roads. I do not believe that by so doing we would be encouraging the cause of good roads.

In order that this may be hurried along as rapidly as possible, assuming that this amendment of the Senate committee shall be adopted, I would suggest that instead of requiring the joint committee to make its report at the earliest moment practicable, we require them to report on the first day of the coming session of Congress.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. POMERENE. I do.

Mr. BOURNE. In reference to the suggestion of the Senator from Ohio, I am sure he would not want the joint committee to make an unfinished report. He would not wish them to report the result of the progress made, if they have come to no definite conclusions at the time. I think it is the desire of the committee to expedite the matter as rapidly as any Member of the Senate can desire it to be done, but it would be their purpose to do it in an intelligent way and to submit their conclusions based upon an ascertainment—a study, an analysis, a deduction, a conviction—and that submitted to the Senate.

Mr. POMERENE. I have no doubt the committee, both in the Senate and in the House, have given a great deal of time to the consideration of this subject, and I have no doubt they have collected valuable data, and that this can be supplemented by information which can be had from other sources.

The difficulty is that if we are going to delay fixing a date for this report the end of the next session of Congress will be here before there is any report made, and it seems to me it would be a very good way for Senators and Representatives on this committee to spend a part of their vacation, to take up this subject and give it the diligent and thoughtful attention, as I know they will, and make the report in the early days of the coming session of Congress.

Mr. SMITH of South Carolina. Before the Senator from Ohio takes his seat, does he think that that would be exactly fair, first, to the American people and then to the Department of Good Roads in the Agricultural Department, when they are working, issuing bulletins, getting up the data, visiting every State, and examining every possible kind of road construction, giving the cost both of construction and maintenance? I have in my hand here their report of 1912. We have a Department of Good Roads that was provided for some 8 or 10 years ago. They are at work every day and every week, and are issuing their bulletins and giving us exhaustive tables as to the different kinds of roads and the different costs of construction and the durability of the various kinds of roads.

It seems to me it would be an additional cost and an extraordinary expense for no possible good, when these bulletins and these data are at the command of every Senator.

I suspect that what is the matter is that we have not studied the data we have on hand, and want the joint committee to gather from the good-roads department and the other sources at our command what we as Senators in this body ought to know before we formulate legislation.

Mr. BOURNE. Mr. President——

Mr. POMERENE. The Senator will pardon me for a moment. I have no doubt the committee would avail itself of all this information in the consideration and preparation of its report. Certainly they want all the information they can get from any and every source. But let me ask the Senator from South Carolina a further question.

He first called the attention of the Senate to the fact that valuable data had been collected. Let me ask whether this provision of the House bill, with reference to the expenditure of nearly $16,000,000 upon the ordinary dirt roads of this country, is the result of the information which has been collected and to which he referred a moment ago.

Mr. SMITH of South Carolina. I beg to state, in answer to that question, that it is not the ordinary dirt road as insisted upon by the Senator from Ohio. The bill provides that there shall be certain specifications, a certain standard of excellence, that the road shall be reasonably passable at all seasons of the year for traffic, for wheeled vehicles, and that it shall be drained

on each side; and the department further says that in case that is done, at a minimum cost, the road can, by a cheap process of dragging and putting a little clay mixed with sand on it, be made permanent, and once made permanent with this amount, it can be kept permanently in repair.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. POMERENE. Certainly.

Mr. BOURNE. The Senator from South Carolina has referred repeatedly to the Department of Agriculture and particularly to the Bureau of Good Roads. On the 22d of June I submitted a letter to the Secretary of Agriculture in reference to this particular bill and the practicability of carrying out its provisions, and the opportunity under the bill of getting the information necessary in order to make the classification A, B, C, as set forth in the bill, and the cost to the Government of so doing.

Under date of June 26 I received the following reply:

DEAR SENATOR: In reply to your letter of June 22, asking for information concerning the possible participation of this department in the carrying out of the Shackleford amendment to the Post Office appropriation bill, I have the following statement to make:

(1) There is no available force in this department at present that could be assigned to this work.

(2) The appropriation recommended for the Office of Public Roads for the coming fiscal year is $202,120, all of which is apportioned for special lines of work.

(3) A force of from 250 to 300 trained men would be necessary to classify the post roads as designated in the Shackleford bill. It would be exceedingly difficult, if not impossible, to obtain and organize such a force, the duties of which would occupy such a short period of time.

(4) The cost for the first year for making such a classification would probably be from $750,000 to $1,000,000, and this work would be of an absolutely nonproductive nature.

(5) The cost of continuing this classification after the first year would probably be between $200,000 and $300,000 per year, depending on the demand for the work.

Hoping that I have answered these questions to your satisfaction, I am,

Very respectfully, JAMES WILSON, *Secretary.*

Further, Mr. President, in the hearings before the Senate Committee on Post Offices and Post Roads Mr. L. W. Page, the gentleman who has been referred to several times here in this discussion, stated, in response to a question asked by Senator GORE:

I think the worst feature of this measure—

Referring to the Shackleford bill—

I think the worst feature of this measure is that it is not going to help the road situation at all, but it is ultimately going to bring a very heavy expenditure on the part of the Government.

Mr. Page further stated in the hearing referred to that—

Up to the present time about 62 bills for national aid in some form have been presented to this Congress, and they call for very large sums of money. There are a great many of them the results of which have not been considered and the effects of which, I think, would be very dangerous. I consider this measure—

Referring to the provision now under consideration—

among the more dangerous. If all the roads of this country—there are about 2,250,000 miles—were constructed in a first-class manner it would cost about $22,000,000,000. This is a very conservative estimate. I think there are only about $16,000,000,000 in the world, and four or five billion of that are unsecured notes. If we were to sprinkle the roads of this country for one summer season with ordinary watering carts and water, it would cost about $880,000,000, which is $200,000,000 more than the national revenue. Any plan for the Government to participate seems to me to require a good deal of consideration.

I do not think that the bulletins that are issued by the Department of Agriculture would give the Senate or Congress sufficient information upon which to take intelligent action upon a subject of this moment and importance to the country.

I thank the Senator from Ohio for yielding.

Mr. POMERENE. Mr. President, I do not care to occupy the attention of the Senate further, except to say that I am willing to go any length in encouraging the cause of national aid for public highways, but I want the money expended in such a way that we will get value received for it.

THE PANAMA CANAL.

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it will be so ordered.

TARIFF DUTIES ON WOOL.

Mr. LA FOLLETTE. Mr. President, I present the conference report on House bill 22195, and move its adoption.

The PRESIDENT pro tempore. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"'SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

"'360. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 29 per centum ad valorem.

"'361. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on woolen rags composed wholly of wool, or of which wool is the component material of chief value, and not specially provided for in this section, the duty shall be 29 per centum ad valorem.

"'362. On combed wool or tops and roving or roping, made wholly of wool or camel's hair, or of which wool or camel's hair is the component material of chief value, and all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, the duty shall be 32 per centum ad valorem.

"'363. On yarns made wholly of wool, or of which wool is the component material of chief value, the duty shall be 35 per centum ad valorem.

"'364. On cloths, knit fabrics, flannels not for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing composed wholly of wool or of which wool is the component material of chief value, and on all manufactures of every description made by any process of wool or of which wool is the component material of chief value, whether containing india rubber or not, not specially provided for in this section, the duty shall be 40 per centum ad valorem.

"'365. On all blankets, and flannels for underwear, composed wholly of wool, or of which wool is the component material of chief value, the duty shall be 38 per centum ad valorem.

"'366. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; on Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; and on carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per centum ad valorem.

"'367. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; and on velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 40 per centum ad valorem.

"'368. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; on treble ingrain, three-ply, and all-chain Venetian carpets; on wool Dutch and two-ply ingrain carpets; on druggets and bockings, printed, colored, or otherwise; and on carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, the duty shall be 30 per centum ad valorem.

"'369. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting

made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"'370. On all manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 360 form the component material of chief value, not specially provided for in this section, the duty shall be 49 per centum ad valorem.

"'371. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.'

"SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

"SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913."

And the Senate agree to the same.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

O. W. UNDERWOOD,
D. W. SHACKLEFORD,
Managers on the part of the House.

During the reading of the report,

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Wisconsin to the fact that in constructing the report there has been a repetition of section 370 and paragraphs 2 and 3 of section 371. There is nothing to do but to erase it.

Mr. LA FOLLETTE. After the conference reached an agreement, it adopted the same report made upon this same schedule one year ago. The preparation of the report, which consisted in attaching the printed pages of the former report, was left to the clerks of the two committees.

The PRESIDENT pro tempore. It is evidently a manual error.

Mr. LA FOLLETTE. I presented the report just as they handed it to me. The error arises probably from using the printed pages of the conference report of 1911, which is identical with the present report, and I presume an extra page has been attached by mistake.

The PRESIDENT pro tempore. That is the fact. It has been constructed by pasting a printed page.

Mr. LA FOLLETTE. That is the way it occurred, I have no doubt.

After the conclusion of the reading of the report,

Mr. SMOOT. Mr. President——

Mr. PENROSE. I should like to ask the Senator from Wisconsin whether this is the same bill that was passed by the Senate.

Mr. LA FOLLETTE. I was just going to make a statement, unless the Senator from Utah——

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Martine, N. J.	Smith, Mich.
Bacon	Cullom	Massey	Smith, S. C.
Bailey	Cummins	Myers	Smoot
Bankhead	Dillingham	Nelson	Stone
Borah	Fall	Newlands	Sutherland
Bourne	Fletcher	Overman	Swanson
Brandegee	Gallinger	Page	Thornton
Bristow	Gronna	Penrose	Tillman
Bryan	Johnson, Me.	Perkins	Townsend
Burnham	Johnston, Ala.	Pomerene	Warren
Burton	Jones	Reed	Watson
Catron	Kern	Root	Wetmore
Chamberlain	La Follette	Shively	Williams
Clapp	Lodge	Simmons	Works
Clark, Wyo.	McCumber	Smith, Ariz.	
Crane	McLean	Smith, Ga.	
Crawford	Martin, Va.	Smith, Md.	

The PRESIDENT pro tempore. Upon the call of the roll of the Senate, 65 Senators have responded to their names, and a quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President, the error to which the Chair called attention arises from the clerks having inserted an additional page of the former conference report—the printed report. It is exactly in accordance with the conference agreement excepting in that respect. I have compared it with the report as presented to the House, and except for that page, which was inadvertently inserted by the clerks in putting the papers together, the two reports are in perfect agreement. I ask leave of the Senate to withdraw that page, the insertion of which was a mere clerical error.

The PRESIDENT pro tempore. The Chair thinks it proper to call the attention of the Senate to the fact that it is simply a duplication of what is in the report. It does not differ in any particular from what appears in the report.

Mr. LA FOLLETTE. It does not belong there, in any event, and it should be stricken out.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. President, I do not desire to take a moment of the time of the Senate, unless it should be made necessary later, further than to say that the conference report presented at this time is identical with the conference report of 1911 upon the same schedule. It was found impossible to make any changes. I would have been glad to have secured the rates fixed in the bill as passed by the Senate, but if an agreement was to be arrived at at all some compromises were necessary, and it was found that the only compromise which could be effected was upon the lines of the compromise on the same schedule of one year ago.

If it will be at all helpful to Senators I can say that the reduction of duties, as compared wtih the existing law, taking the duties as figured out one year ago on the Payne-Aldrich bill, are as follows:

On clothing wool, to begin with, the duty under the Payne-Aldrich law, and I repeat that I am using the importations of last year and in figuring out the ad valorem, is 44.5 per cent. I am certain the importations at the present time will not make that rate materially different. The duties on clothing wool under the Payne-Aldrich law are 44.5 per cent and under the conference report 29 per cent.

On carpet wool 37.24 per cent, and under the conference report 29 per cent.

On combed wool or tops and on wool or hair advanced in any manner beyond the washed or scoured condition the duties fixed under the Payne-Aldrich law are 73 per cent, 111 per cent, 112 per cent, and 252 per cent. The duty fixed under this conference report covering the entire paragraph is 32 per cent.

On yarns valued at not more than 30 cents per pound the duty under the Payne-Aldrich law is 134 per cent, valued at more than 30 cents a pound it is 76 per cent, and under the conference report these duties would be 35 per cent.

Cloth, knit fabrics, plushes and other pile fabrics, dress goods, wearing apparel, trimming, and so forth, under the Payne-Aldrich law carried duties of from 60 to 159 per cent. Under the conference report they would carry a duty of 49 per cent.

Blankets and flannels for underwear under the Payne-Aldrich law take a duty of 71 to 182 per cent. Under the conference report, if it were to become a law, they would carry a duty of 38 per cent.

Carpets under the Payne-Aldrich law, or under existing law, take a duty of from 50 to 80 per cent. Under this conference report the duty would be from 30 to 50 per cent.

Now, Mr. President, I think I need make for the present no further statement than to say to the Senate that in so far as the duties are concerned the conference report presented at this time is identical with the conference report presented one year ago on this same schedule.

There is in one section a change of a dozen words to correct a verbal error that was found in the conference report upon reviewing it, to which, let me say to the Senate, the conferees upon both sides and of both Houses were agreed. It makes no alteration whatever in the rate as fixed in the conference report of 1911 and the conference report which I present to-day.

Mr. GRONNA. Mr. President, I ask the Senator from Wisconsin how these rates compare with the rates submitted by the Tariff Board. Are they very much lower?

Mr. LA FOLLETTE. Mr. President, that opens up a pretty wide subject for discussion. I think it would be difficult indeed for any two men taking the report of the Tariff Board to arrive at exactly the same conclusion with respect to the rates. I think I may say, however, as a corollary to what I have already

said, that no absolute rate can be deduced from the report of the Tariff Board on any specific thing, and if it were possible to figure out a rate upon which everybody would be agreed was the specific thing as reported by the board, upon which there could be no dispute, then I think it would follow as a matter of reasoning that that could not safely be taken as an absolute rate. A very slight change in the condition which the Tariff Board found when they made their investigation would alter any conclusion which they reached. Suppose, for instance, the mills were to vary the hours of labor, laying off their hands, we will say, on Saturdays for a period of time. If that occurred after the board had made its investigation of the cost of production in that mill or in those mills, then the results would quite materially change.

So it is not possible to put your finger upon any particular rate and say that that is the absolute finding of the board. Neither would it be possible for the board to make an absolute finding which they could say to Congress should guide them in making rates.

I think that the duty of 29 per cent fixed upon all wools in the conference report just presented is a little lower than can be fairly inferred to be from the conference report, in the judgment of the Tariff Commission, upon the duty to be fixed on raw wool, but at the same time an examination of that report will show that in 20 per cent of the wool production of this country, that being the production of wool upon the large farms or ranches, where the keeping of sheep is a matter of relative importance, the cost of producing wool is nothing; that the business is conducted mainly for the profit derived from the production of mutton; that the production of mutton gives upon the great flocks upon the ranges a profit, and that the wool produced is really a by-product, and is, to use a common expression, what would be regarded as velvet, or clear gain, while on the small farms, where sheep are kept in little flocks, if the expense is figured out there it is so materially increased that perhaps 75 or 100 per cent would not be a sufficient protection; that is, that sheep so kept are not considered as a business by itself—is not an economic business—but fitted in the general economy of the farm, kept as a sort of scavenger in their grazing; the small flocks, when taken with everything else on the farm, are worth while to the farmer.

Now, that is a somewhat extended and somewhat perhaps disconnected answer to the Senator's inquiry, but I think it makes the best answer that can be given from the report of the Tariff Board.

Mr. PENROSE. Mr. President, I should like to ask the Senator from Wisconsin whether he considers the report of the Tariff Board to be in favor of ad valorem rates?

Mr. LA FOLLETTE. No; Mr. President, I do not, and if we are to go into that subject, and I am perfectly willing to go into it, I think it can plainly be shown upon the best authority in this country that the Tariff Board are radically wrong. I am prepared to go into that subject at length if it is raised, and to demonstrate, I think, beyond any question, upon the very highest authority of this country, recognized as the highest authority of the country among manufacturers, by which it can be shown that the conclusions of the Tariff Board in that respect are radically wrong.

Mr. MASSEY. Mr. President, the question involved in the report of the conference committee involves, as I understand it, something more than a mere question of schedules. It involves, as I understand the matter, a question of principle upon which for many years I have entertained and have now decided views.

So far as other Senators are concerned, I presume they possess an advantage in determining how they ought to vote on this report. Upon education and by principle based upon the legislative history of the country I am now, and expect to continue to be, without apology, a believer in the doctrine of a protective tariff. Wool and sugar are two of the industries from which the people of my State expect to receive and have received advantages under a protective tariff.

I do not rise, Mr. President, for the purpose of making a tariff speech, and I do not intend at this time to do so further than to say that while I am not wedded to a schedule and while I realize that any tariff schedules that may be agreed upon by this Congress will probably not meet the changing conditions of the country five years from now, or possibly less, I, as a protectionist and a believer in the doctrine of protection, have my doubt as to the wisdom of voting for a bill that meets the approval of Senators upon the other side of the Chamber. Therefore, I shall be compelled, not because my own State is peculiarly or particularly interested in the wool industry, to vote against the substitute tendered in the way of amendment by the conference committee.

I say this so that my attitude may be understood and so that there may be no question of my action as a Senator from one of the sovereign States of the Union. I realize in saying it that Senators upon the other side of the Chamber are just as sincere in their attempt to secure a revenue tariff as I am to secure a protective tariff; but, as I have said, having very serious doubt as to the protective features of a wool schedule that can meet the support of the Democratic majority in the House of Representatives, I shall not vote for the pending conference report upon the theory that we are getting any protection. Therefore, I shall vote against the conference report.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to concur in the conference report.

Mr. PENROSE. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks for the yeas and nays.

Mr. CUMMINS. Mr. President, I do not rise to discuss the conference report, but to make a very brief statement with respect to my own attitude toward it.

A year ago I voted for a conference report that was identical with the report now before the Senate. Since that time the report of the Tariff Board upon this subject has been made. I have given it the most diligent and the most impartial study of which I am capable. I agree with the Senator from Wisconsin in the statement that it is impossible for any man to make deductions from the report and assert that they are the only deductions that can be made from it. Nevertheless, I reached the conclusions which I stated when I presented my amendment to the House bill. I stated then, and I believe it to be true, that the minimum duty upon scoured wool or clean wool warranted by the report of the Tariff Board for all wools of a higher price, say, 40 cents a pound or more, is 15 cents a pound, with a maximum duty on the lower-priced wools of 40 or 45 per cent. The duty of 29 per cent on all wools, as measured by the facts, as I understand them, disclosed in the Tariff Board report, is substantially less than 15 cents a pound on clean wool. It is so substantially less that, following the course which I originally laid out for myself, viz, that without good evidence to the contrary I would accept the information furnished by the Tariff Board, I can not vote for the conference report, much as I desire a substantial, even a radical, reduction in the duties upon wool and the manufactures of wool. In the coming roll call, if I were at liberty to vote, which I shall not be, having paired myself with a Senator who would, if present, vote for the conference report, I should vote against it.

Mr. LA FOLLETTE. Mr. President, instead of taking the time of the Senate to discuss this subject, and particularly the report of the Tariff Board on Schedule K, the schedule under consideration, I am going to ask unanimous consent to have printed in the RECORD an analysis of the report of the Tariff Board upon this schedule made by Mr. Samuel S. Dale, editor of the Textile World Record, published in Boston. I will only say in introducing this analysis that Mr. Dale is not a theoretical expert upon this subject. He attained his commanding position as the leading authority in this country through practical experience. He served his apprenticeship in the business of wool manufacturing, worked up through all the grades, became the superintendent of a large mill, had an extended experience as such superintendent, and finally became editor of the Textile World Record. His standing is such among all wool manufacturers and among tariff experts that the Tariff Board engaged him to prepare a critical analysis of Schedule K and to advise the board as to the best methods of making a study of the cost of production in the woolen industry.

I understand that he was connected with the board from the fall of 1910 until April or May, 1911, when he resigned, because he disagreed with the methods the board proposed to follow in the investigation of the industry. They disregarded his advice, and since he was convinced that they were proceeding along wrong lines, he severed his relations with the board. Since the publication of its report on the wool schedule he has made a comprehensive review of it, which I have here in printed form.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. I do.

Mr. SIMMONS. I should like to suggest to the Senator from Wisconsin that I think Mr. Dale's analysis has been printed in the RECORD at the instance of some Member of the other House, and practically all of it has been printed in the RECORD at my instance in connection with a speech I delivered the other day. I would suggest to the Senator that, instead of printing it in the RECORD, it be made a public document.

Mr. LA FOLLETTE. Well, I should like to have it put in the RECORD in connection with the proceedings of to-day, and

I make that request now, without taking further time of the Senate.

Mr. SIMMONS. Then I suggest to the Senator, in addition to that, that he ask that the analysis be printed as a public document.

Mr. LA FOLLETTE. I ask, in addition, that Mr. Dale's analysis be printed as a public document. (S. Doc. No. 898.)

The PRESIDENT pro tempore. The Senator from Wisconsin asks that the paper, the nature of which he has stated, be printed in the RECORD without now being read, and also that it be printed as a public document. Is there objection?

Mr. WARREN. I do not object, but I simply wish to say that I shall probably ask that there may be put in the RECORD a similar document, prepared on somewhat different lines, but, I think, with equally good authority.

Mr. LA FOLLETTE. Prepared by whom? Who is the author?

Mr. WARREN. I may bring in one or two or three authors. I do not present the paper now, but I simply say that I shall present it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

The analysis referred to is as follows:

[Reprinted from the Textile World Record, Boston, June, 1912.]

ANALYSIS OF THE TARIFF BOARD REPORT ON SCHEDULE K.

(By Samuel S. Dale.)

The report of the Tariff Board on the wool and wool-goods schedule should be judged first by the extent to which the board has succeeded in attaining the professed object of its investigation, namely, the determination of the difference between the foreign and domestic cost of producing the raw materials and the partly and wholly manufactured products of wool manufacturing.

THE DIFFERENCE IN COST FORMULA.

This object has been definitely and repeatedly stated during the last four years, and recently by the President in these words:

"First, by fixing the rates at figures * * * based on the difference between the cost of production here and the cost of production abroad, ascertained by means which preclude all doubt of the substantial accuracy of the calculation."

In order to show to what extent this object has been attained by the Tariff Board I have made the following list of the principal products affected by Schedule K, and annexed a brief statement of the information disclosed by the Tariff Board regarding the difference in the domestic and foreign cost of each: Raw wool, wool by-products, shoddy, worsted tops, roving, yarn, cloths and dress goods, carpets and rugs, underwear, hosiery, felts, and narrow fabrics.

RAW WOOL.

The method adopted by the board for calculating the cost of wool is stated on page 313, as follows:

"We have considered wool as the chief product and the receipts from mutton are offset against costs. When the receipts from mutton are less than the total flock expense, the difference is called the 'net charge against wool.' When, on the other hand, the receipts from mutton are greater than the expense, the difference is the 'net credit to wool.' And this net charge against or net credit to wool, divided by the number of pounds of wool, is the 'net charge against or net credit to a pound of wool.'"

On the preceding page, 312, the board condemns this method in these words:

"Another method is to consider wool the chief product and mutton the by-product and to charge the total operating costs to the mutton and credit the net income of the business to the wool. * * * When, however, the receipts from mutton equal the operating costs, the cost of producing a pound of wool, as found by this method, is nothing; and when the receipts from mutton exceed the operating costs it is less than nothing. * * * It is evident that this method also is inadmissible, because the cost of producing a pound of wool thus determined varies with the relative importance of the receipts from wool and mutton. When wool is the chief source of income and the receipts from mutton are merely incidental and relatively small, this method is approximately correct; but as the receipts from mutton become relatively more important, the degree of error increases, and when mutton is the chief source of income and the receipts from wool are merely incidental, the futility of the method is clearly apparent."

This condemnation of its own method was superfluous. The absurdity of a calculation by which the cost of wool is a positive quantity under some conditions, zero under others, and under others the wool is obtained without cost, bringing a bonus with it, is self-evident. The report contains extensive tables of cost of American wool based on this misleading method of inquiry.

For the foreign branch of the wool inquiry this method of calculation, of course, could not be carried out in such great detail, but the results are given for Australian wool on page 11, as follows:

"In New Zealand and on the favorably situated runs of Australia it seems clear that at the present range of values for stock sheep and mutton the receipts from other sources than wool are carrying the total flock expense. So that taking Australasia as a whole it appears that a charge of a very few cents per pound lies against the great clips of that region in the aggregate."

The report itself supplies the proof that the board has failed completely to determine the difference between the foreign and domestic cost of wool. The board admits this in these words on page 10:

"It is not possible to state in exact terms the actual cost of producing a pound of wool considered by itself."

WOOL BY-PRODUCTS.

These products include noils and the various wastes that are unavoidably made in converting wool and by-products into finished goods. They are inferior grades of raw material. In calculating the cost of wool goods the value of the by-products is deducted from the cost of the raw material used in order to determine the net cost of the latter. No part of the cost of manufacturing is charged to the production of by-products. For this reason the Tariff Board is right in the following conclusion, page 12:

"No comparison as to the cost of production of such products can be made."

SHODDY.

Wool rags may be properly classed as a wool by-product, and the omission of any reference to their cost is explained on that ground, but shoddy is a manufactured product for which rags are the raw material. The report contains no statement on the cost of manufacturing shoddy.

WORSTED TOPS.

In taking up the various wool products in their order of manufacture, worsted tops are the first for which the Tariff Board offers a detailed comparison of cost. A number of important features of the board's investigations of comparative costs will therefore be considered under this head, but it should be borne in mind that the remarks apply not only to tops, but to wool manufactures generally.

The report gives a comparative statement of the domestic and foreign cost of converting wool into tops, but makes no attempt to give the cost of raw material. It is evident, however, that the difference in the total cost of a wool product must be known in order to apply the difference in cost principle in fixing tariff rates. The omission of any important items of cost makes the comparison worthless for that particular purpose. In the case of worsted tops the board has omitted the item of raw material, which constitutes approximately 90 per cent of the total cost of worsted tops. The reason for such omission is plain. The variations in the cost of raw material, not only for tops, but for other forms of wool manufactures, are so great from grade to grade and from time to time that its determination is impossible. This impossibility in the case of wool fabrics was recognized and frankly stated by the board, page 628, in these words:

"The question of raw material was eliminated altogether, since this is such a fluctuating element."

That is true of worsted tops as well as cloths. Turning to the board's investigation of the conversion cost of tops, attention is called to the fluctuating and uncertain elements involved as outlined on pages 640 and 641 of the report. Admitting these fluctuations and uncertainties does not eliminate them, and they alone would thwart the purpose of the inquiry. But on top of all these factors the board informs us, page 641, that the mill records disclose "the widest divergencies" in the conversion cost of worsted tops:

"In attempting to arrive at the cost of tops from a consideration of actual mill records for a given period of time, we have found the widest divergencies due to the difference in output. For a six months' period in one mill the average cost of production for all tops was only 4.28 cents per pound, while for another six months' period in the same mill running upon practically the same quality of tops the actual average was 9.37 cents per pound. In the first period, however, the output was about three and one-half times the output in the second period. In the first case the mill was running overtime and in the second case much of the machinery was idle, while the fixed and overhead charges continued the same."

The Tariff Board attempts to meet this situation by assuming a theoretical production on the basis of a full running time. This, however, is assuming a condition that is never found to prevail throughout the industry or continuously in any combing plant.

If so much emphasis had not been placed on the difference in cost theory we might profitably stop here and accept the evidence disclosed by worsted tops as conclusive that the theory can not be applied to the revision of Schedule K. As far as tops are concerned, we find that an item constituting approximately 90 per cent of the total cost has been omitted entirely, because it could not be determined, while the items making up the remaining 10 per cent are subject to "the widest divergencies." The conclusion is unavoidable that the board has not determined and can not determine the difference between the domestic and foreign cost of tops.

ROVING.

No attempt is made to give the costs of roving separately. This cost is made up of raw material and the various processes up to and including worsted drawing. Raw material, as we have seen, is eliminated entirely from the board's calculations. The final process, drawing, is considered on pages 1031 to 1034, but, as in the case of woolen yarn, the figures relate to the labor cost only, all the other items of expense being omitted. We have noted the defects in the calculations for tops, the cost of which is included in the cost of roving, so that it is now necessary only to record the unavoidable conclusion that the difference in cost has not been determined for roving.

YARN.

The noteworthy feature of the board's report on yarn costs is the omission of essential details relating to the cost of carded woolen yarn. On pages 1025 and 1026 there are the reports of the labor cost of woolen carding in 26 mills. On pages 1040 and 1041 are reports of the labor cost of woolen spinning in a like number of establishments. Nowhere is there a statement of the cost of the other items, such as raw material and manufacturing expense, which make up much the greater part of the cost of woolen yarn. The report deals in greater detail with the cost of worsted yarn. On page 645 there begins a general survey of the question. On page 646 are statements of cost for four separate weeks in one mill. It is rather puzzling to find the output given as "yarn shipped," but, accepting the figures as indicating the yarn spun, we find the conversion cost varying from 9¼ cents on August 26 to 26½ cents a pound on August 5, with the yarn size practically the same. No better proof of the impossibility of determining cost for the purpose of applying the difference in cost formula to the revision of tariffs is required. The board attempts to avoid this difficulty, as in the case of tops, by assuming a full output. Thus on page 646:

"In view of this difficulty the Tariff Board has adopted a general rule of figuring all costs on the basis of full normal output, as in the case of tops."

This is assuming a condition that never prevails for any considerable time throughout the industry. Moreover, the question arises, How did the board revise the cost returns received so as to determine the result that would have been actually reached if the mill had been doing something that it was not doing?

On page 650 the report says:

"Figures of cost were secured in England from various manufacturers on actual samples, and in the second column in the table below are given the figures which represent the average of these various calculations."

From this it is evident that the board obtained from "various manufacturers" in England estimates of cost of certain grades of worsted yarn. These estimates were averaged by some unexplained process and the results tabulated on page 650 for the purpose of comparison with the figures obtained from American mills and revised by the board at Washington. That is the result, or, rather, lack of result, attained by

the board in investigating the cost of the material, white worsted yarn, which of all the multitudinous products of wool manufacturing offered the least difficulty in such an inquiry.

CLOTHS AND DRESS GOODS.

The cost of cloths and dress goods includes the cost of the yarn and the conversion cost of the yarn into the finished product. To include in the cost calculation for cloth the operations which the board adopted for the preceding processes would concentrate in this calculation all the uncertainties and errors which have been referred to under the head of raw wool, wool by-products, shoddy, worsted tops, roving, and yarn. Moreover, such a method was impossible because of the omission of essential items, as in the case of by-products and shoddy. The Tariff Board evidently recognized this dilemma, for a new start was made with yarn treated as a raw material and the cost calculations for the preceding processes eliminated entirely. The report thus explains how this result was accomplished, page 628:

"An arbitrary price was assumed for different qualities of wool and yarn, this arbitrary price being the actual price so far as it could be accurately determined for a given date."

This method has the merit of boldness and simplicity, although it can not be claimed that it "precludes all doubts of the substantial accuracy of the calculation." The figures thus adopted by the fiat of the board as a substitute for the cost of raw material and its conversion into yarn are termed "prices for a given date." This does not change the fact that they are not costs as contemplated in the formula. It makes the matter worse, for it shows that the board's ideas were so *unstable as* to shift from production cost to price without hesitation. This confusion of ideas regarding cost and price is so complete that one of the estimates, No. 32, page 672, contains this:

"This gives a total cost of 86 cents per yard for those making their own yarn and 95.5 cents per yard where yarn is purchased."

The adoption of the fiat figures of cost for wool and yarn would alone make the results of this part of the inquiry worthless, regardless of the accuracy of the subsequent calculations, and for that reason it is perhaps unnecessary to say more on this particular point. Attention is called, however, to the fact that the list of the figures thus adopted by fiat for wool and yarn is omitted from the report. It is to be found on Tariff Board schedules 1128 and 1129. The following grades and prices are given in the list to cover carded woolen yarn made of wool and mixtures of wool, cotton, shoddy, and by-products:

12 to 16 cut, one-fourth blood worsted waste and shoddy	$0.55
12 to 20 cut, one-fourth blood and shoddy (colors)	.65
12 to 20 cut, one-fourth blood and noils (white)	.70
12 to 20 cut, one-fourth blood and noils (colors)	.75
12 to 20 cut, straight one-fourth blood (white)	.80
20 to 28 cut, straight, three-eighths blood (white)	.85
From 20 to 28 cut add 1 cent per cut.	
32 cut, fine white carbonized	.95
40 cut, fine white carbonized	1.10
2–12 to 2–18 cut, one-fourth blood worsted waste and shoddy	.50
2–18 to 2–20 cut, in grease	.62½
2–18 to 2–20 cut, in colors	.70
2–22 to 2–24 cut, skein dyed in colors	.77½

There are no established standards for such yarns. They are spun from new wool of every grade; also from mixtures containing wool, cotton, shoddy, and by-products, in every imaginable proportion—some with the wool, cotton, shoddy, or by-products omitted, and the mixture made up of the whole or a part of the remaining materials. Not only the proportion, but also the cost per pound of each of these materials varies widely from grade to grade and from time to time. As a result the average cost of the mixtures is subject to even greater fluctuations.

Fixed prices or cost figures are equally absurd in the case of worsted yarn and wool. No feature of the Tariff Board's investigation excites greater astonishment than does this substitution of arbitrary prices for actual cost. This extraordinary method has evidently been adopted not only for American costs, but for foreign costs as well. Take, for example, sample No. 26, page 667. This cloth is made of two grades of cotton yarn and one of worsted. The report says, page 667:

"The average cost of the yarn used was $0.692 per pound; the resulting cost of the stock material in a yard of cloth is $0.55."

The English cost of the yarn is thus stated, page 668:

"The yarn material for a yard of cloth is taken at a cost of $0.4085."

These figures do not represent cost in any mill, either in this country or abroad. They result from some undisclosed system of estimating, based on arbitrary prices for foreign and domestic yarn. Such calculations do not come up to the level of ordinary guesswork.

As was the case when studying the board's cost figures for worsted tops, the temptation again becomes strong to leave this feature of the report with the conclusion that the case against the difference in cost formula has been proved, but so much emphasis has been placed on this formula that we will go on to the end of the list.

CONVERSION COST.

Turning to the inquiry into the cost of converting yarn into cloth, the fact claiming attention first is that the board's figures do not relate to the actual cost of the cloths, but to estimates of their cost. This is admitted on page 628, where the report, after stating the impossibility of determining the actual cost, says:

"The only method available was to start with certain specific cloths and get the most accurate estimates possible from a number of different mills on the cost of making goods of this quality."

The inherent difference between actual cost as contemplated in the formula and an estimate of cost is evident. A manufacturer may estimate the cost of a fabric regardless of whether the goods were made in his mill or not. He determines the character of the raw material by the exercise of judgment and the construction of the fabric by analysis, and with these particulars makes an estimate of cost based on assumed conditions of market price of materials and expense in the mill. This, however, is not the actual cost, which is determined only by the actual manufacture of the goods, and it is the actual cost which is meant in the difference in cost formula. Not only has the board substituted estimated cost for real cost, but these estimates have been obtained under conditions that make irregularities and errors inevitable.

The report states, page 629, that the agents of the board "visited the mills with samples and worked out with the proper officials the cost under each separate process." The published results of their labors are found on pages 651 to 690, in the form of estimates of cost of 55 samples of American wool goods, and on pages 694 to 704 in the form of estimates of the cost of 14 samples of foreign fabrics.

Fortunately it is not necessary to rely solely on one's own judgment or on the opinion of others as to the merits of this system of cost estimates. Three years ago, in 1909, the American Association of Woolen and Worsted Manufacturers adopted the same plan and submitted to a large number of manufacturers the specifications for three worsted and two carded woolen fabrics, with a request that estimates of the cost of these goods be returned to the association. As was done by the Tariff Board, uniform prices were assumed by the association for the wool and yarn. Following is a statement of the lowest, highest, and average estimates.

Statement of the lowest, highest, and average estimates.

	Lowest.	Highest.	Average.
Fabric A	$1.50	$2.02	$1.75⅝
Fabric B	1.47½	1.93	1.78
Fabric C	1.06	1.53	1.29
Fabric D	1.10	1.65	1.37
Fabric E	.85	1.02½	.93¾

Such figures are worthless, and it is certain that the estimates of the Tariff Board are no better.

The sole difference between the estimates of the association and those of the Tariff Board is that the agents of the board worked out the figures with the mill officials in accordance with a definite system prescribed by the board. But a cost system can not be applied successfully in a mill on short notice. It is necessary first to apply a system for a long period, a year or more, in order to determine the cost per unit of production in the various departments of a mill. Not before this is done does it become possible to make a fairly close estimate of the cost of a given fabric when made in that mill under like conditions. An attempt, such as was made by the Tariff Board, to apply suddenly to a large number of unprepared mills a new system of cost estimating is calculated to give results as misleading and erroneous as were those obtained three years ago by the American Association of Woolen and Worsted Manufacturers. This is evident from the details of the board's estimates. For example, the conversion cost of sample No. 1 is given as 8 cents per yard, and this note of explanation is annexed, page 652:

"Taking all of the cost secured by the board, from mills of all sizes, the average conversion cost is 11.1 cents per yard."

This means that some of the estimates must have varied from 8 cents to considerably over 11 cents a yard. No two mills would agree as to the estimated cost, yet the board adopts one set of figures for each sample. Why was 8 cents selected for the figures given in the report when the average was 11.1 cents? And was this average calculated by a method that gave the mills an equal weight regardless of size? These questions may appear superfluous in view of the fundamental defects already noted in the calculations, but reference is made to them in order to make the analysis as complete as possible. For the same reason a review will be made of various other features of the estimates.

A number of the estimates refer to fabrics made of wool yarn mixed with cotton or silk yarn. An application of the difference in cost formula would make it necessary to determine the cost of the cotton and silk yarn as well as the wool. Nowhere is such cost given. Apparently arbitrary figures have been assumed for the cost of the silk and cotton yarn as well as for the wool yarn, and an average of the three calculated by some unexplained process. For example, sample No. 24, page 666, is made of a mixture of cotton, silk, and worsted yarn, and the "cost" of the three is given as follows:

"The average cost of the yarn described is $0.714 per pound, making a total stock cost of $0.571 per yard of finished cloth."

The plan pursued in the board's estimates of the foreign cost of the various samples is thus explained on page 630:

"The method adopted in securing foreign costs on American samples was similar to that used in this country. Samples of identical fabrics, cut from the same piece, were taken to England and to the Continent. These were shown to a number of manufacturers, and their estimates on the cost of production secured, but not in the same detail as in American mills, because foreign manufacturers do not keep their costs in any such detail. In England the costings on these samples are given with the authority of a cloth expert, himself a manufacturer, who took the English estimates secured and corrected or verified them from his own experience or from the costs in his own mill."

The woolen and worsted industry in England is organized on a different basis from that generally prevailing in this country. Cost calculations are simpler and probably more accurate in that country than they are here. For these reasons a fair comparison of the costs in the two countries is possible only after careful revision. Such a complicated cost estimate schedule as the one prepared by the Tariff Board would stagger English manufacturers. The above extract from the report makes it plain that they did not understand the board's system and did not attempt to carry it out. Figures, however, are easily obtained, and the agents of the board obtained them from a few English manufacturers. Evidently these figures bore the marks of unreliability, for they were referred to a "cloth expert, himself a manufacturer," who "corrected or verified them from his own experience or the costs in his own (English) mill." It is unnecessary for us to follow this system into France and Germany. Adopted in response to an order to determine the difference in the cost of production, "by means which preclude all doubt as to the substantial accuracy of the calculation," it abandons the cost of production entirely, and substitutes estimates based on assumed figures for the greater part of the cost, and for the remainder on methods that are unworthy of serious consideration either at home or abroad. The Tariff Board knew of the defects in estimates of cost, as the following passage, page 628, shows:

"The difficulty here lay in the well-known fact that estimates on the same sample by different manufacturers may vary very widely, and experience in this regard by associations in the trade who have attempted to arrive at some standard cost method showed the necessity for adopting every precaution to make these figures as detailed, accurate, and fair as possible."

But stating a difficulty does not overcome it, and the knowledge on the part of the board that estimates would not disclose what they were seeking only increases the surprise that such a plan was adopted. No precautions can make estimates conform to actual cost. In the absence of a knowledge of the actual cost there is no way of verifying or correcting the estimates.

CARPETS, RUGS, UNDERWEAR.

The report gives no information regarding the cost of these goods, this explanation for the omission being found on page 9:

"It proved impracticable to carry out at one and the same time an indefinite number of separate cost inquiries and bring them all to conclusion at a given date. For this reason we are not able to include in the present report data as to the cost of underwear and carpets, regarding which our investigations are not sufficiently advanced to make the results practically useful."

HOSIERY, FELTS, NARROW FABRICS.

On the cost of these products the Tariff Board makes no report deserving consideration.

We have reached the end of the list of products. Summing up the situation we find that the Tariff Board's inquiry into cost of production has nowhere given results in whose accuracy any confidence can be placed. Some wool products were omitted entirely—carpets, knit goods, felts, and narrow fabrics—for lack of time; by-products, because the task was impossible.

A fundamentally unsound method was adopted for raw wool. Where costs were actually investigated, as in the case of worsted tops and yarn, the fluctuations from time to time and from mill to mill made self-evident the impossibility of determining the costs for the purpose of fixing tariff rates. For some materials, roving and yarn for example, the manufacturing expenses other than labor were omitted. Likewise in some cases raw material, subject as it is to constant, extreme, and indeterminate variations in cost, was eliminated bodily from the calculations. In other cases arbitrary figures were assumed to indicate the fluctuating and uncertain cost of raw material. Estimates were substituted for statements of actual cost. Calculations that could be but little better than guesswork were made for the board by foreign manufacturers. And finally the reports thus collected were "revised" and "edited" at Washington in an attempt to make them harmonize with each other and conform to conditions of production that seldom if ever exist.

The contrast between this result and the President's definition of what was required is grotesque, but the failure to attain the announced purpose of the inquiry does not necessarily carry with it any reflection on the ability, industry, or faithfulness of those who did the actual work of investigation. The fact is, they were engaged in an undertaking that reached far beyond the limits of the possible. The difference between the domestic and foreign cost of producing wool and wool goods can not be determined for the purpose of fixing tariff rates. Criticism, if it is indulged in, should be directed to the failure to recognize the impossibility of the difference in cost formula and direct the inquiry into practical channels. If that had been done, the cost of production would not have been ignored, but would have received its proper share of attention in connection with many other factors bearing on the tariff question. The primary mistake was in making the inquiry hinge on the difference in cost formula. That placed on the board the work of accomplishing the impossible.

FEATURES OF VALUE.

Although the chief purpose of the investigation resulted in failure, as was inevitable, the four volumes of the report contain a considerable body of useful information. In this may be included many of the conclusions regarding the existing tariff law and among which are the following:

"Wools of heavy shrinkage can not be profitably imported into the United States (p. 381).

"Clean wool of the light shrinking sorts (is procured) at a materially lower net rate of duty than the law apparently contemplated (p. 381).

"Low-priced grades of wool can not be profitably imported (p. 391). If admitted under a revised tariff, they could be substituted for large quantities of cotton and shoddy that are used at present.

"There is no valid reason for the discrimination that now exists as between the wools of class 1 and class 2 (p. 11).

"The duty on sorted wool was made excessive for purposes of exclusion, and that is its effect (p. 49).

"The present duty of 33 cents per pound on scoured wool is prohibitive, preventing effectually the importation of clean, low-priced foreign wools of the lower grades that would be exceedingly useful in the manufacture of woolens in this country, and if so used might displace in large measure the cheap substitutes now so frequently employed in that industry (p. 11).

"The present tariff excludes all noils except a small quantity of high grade (p. 75).

"The present tariff on wool waste, rags, and shoddy is prohibitive, except on a small quantity of very high grade (pp. 4, 5, 12, 13, 69, 71, 78, 82). Shoddy is not necessarily the cheap undesirable material that many take it to be (p. 69).

"Wools of class 3 are used in the manufacture of goods other than carpets (p. 413).

"The present duty on worsted tops is prohibitory, because the compensatory duty is excessive (pp. 107, 189).

"The present duties exclude all yarn except very high grades, of which but a small quantity is consumed (pp. 116, 190).

"The present specific or so-called compensatory duties on manufactures of wool are excessive, and result in making the tariff on such goods prohibitory, except for a small quantity of high-priced products, the duties being the highest on low-priced goods (pp. 5, 13, 14, 139, 149, 164, 182, 188, 124, 125, 133, 147, 167, 184).

"Domestic prices of wool goods are not always increased to the full amount of the duty imposed on competing foreign products (pp. 5, 14).

"Prohibitive duties eliminate the possibility of foreign competition and offer a temptation to monopoly and conspiracy to control domestic prices" (p. 5).

These are statements of fact, but of well-known facts that have been iterated and reiterated, particularly during the last three and one-half years, and their appearance in the report of the Tariff Board now is but the acceptance of what has been publicly demonstrated and spread upon the records of Congress.

THE SCOURED WEIGHT OF GREASE WOOL.

We now come to a consideration of the conclusions reached by the Tariff Board. The first to claim attention is the recommendation that a specific tariff on wool be based on the scoured weight (p. 12):

"That the chief objection to the present rate on the grease pound could be met by levying some form of specific duty based on the clean or scoured content of the wool imported.

"That the necessary machinery for testing at ports of entry could be installed promptly and cheaply and could be maintained efficiently at small expense."

After recommending a specific duty based on the scoured weight of wool as a desirable and entirely practicable substitute for the present specific duty on grease wool of classes 1 and 2, the board qualifies its opinion, on page 397, as follows:

"Objection is made to a flat rate upon the scoured pound on the ground that it would not be fair to subject wools of varying value to a uniform rate of duty. It must be conceded that there is some reason in this, but in any event it would give access to all fine, heavy fleeces on equal terms with the lighter-conditioned wools, thus meeting one great objection to the existing law."

IS THE SCOURED WEIGHT TARIFF DESIRABLE?

Two questions must be answered in passing upon this scoured weight proposition. Is the plan desirable? Is it practicable? Fortunately the first question can be readily and conclusively answered by applying a specific rate to the very large quantity of scoured wool sold at the London wool auctions. This scoured wool is, as regards variation in price, fairly representative of the wool sold in the greasy condition. Thus by applying a specific duty to the scoured wool an illustration is obtained of how such a duty would operate if imposed on the scoured weight of foreign grease wool imported into the United States. This test of the scoured weight wool duty has necessitated considerable labor in classifying the wool sold at London according to price. In view of the superior facilities possessed by the board and the importance of the question involved, it is somewhat surprising that such a test was not made and the results given in the report. In a letter to the Ways and Means Committee on March 15, 1909, I gave a statement of the high, low, and average prices of about 80,000,000 pounds of wool sold by auction at the last sales at London, Liverpool, and in Australia. Following are the prices for the scoured wool included in that statement, with a specific duty of 20 cents per scoured pound applied in order to show the effect of the plan recommended by the Tariff Board. Corresponding variations would result regardless of the particular specific rate imposed:

Scoured wool sold at London in January and February, 1909.

	Price.	Duty.	Ad valorem.
	Cents.	*Cents.*	*Per cent.*
Highest price	63	20	32
Lowest price	8	20	250
Average price	26.4	20	76

Scoured wool sold in Australia, December, 1908.

	Price.	Duty.	Ad valorem.
	Cents.	*Cents.*	*Per cent.*
Highest price	39	20	51
Lowest price	6½	20	308
Average price	24	20	83

Another illustration of how a wool duty based on the scoured weight would operate in practice is shown in the following statement of 2,847 bales of West Australian, Adelaide, and New Zealand wool sold at the first series of London sales in January, 1910. In this case the number of bales sold at each price is given. The ad valorem equivalent of a specific duty of 20 cents per scoured pound is given for each price and also for the average price of the 2,847 bales:

Two thousand eight hundred and forty-seven bales scoured wool from West Australia, Adelaide, and New Zealand sold at London, first series, January, 1910.

Bales.	Price per pound.	Per cent ad valorem 20 cents per pound.
	Cents.	
1	10	200
2	13½	148
5	14	143
5	14½	138
6	15	133
3	15½	129
8	16	125
50	17	118
52	18	111
197	19	105
231	20	100
560 bales 100 per cent and above.		
215	21	95
140	22	91
112	23	87
59	24	83
192	25	80
1,278 bales 80 per cent and above.		
117	26	77
235	27	74
93	28	71
123	29	69
127	30	67
1,973 bales 66⅔ per cent and above.		
98	31	64
95	32	62
43	33	61
45	34	59
31	35	57
46	36	56
45	37	54
99	38	52
36	39	51
20	40	50
2,531 bales 50 per cent and above.		
174	41	49
65	42	47
51	43	48
17	44	46
8	45	45
1	46	44
2,847[1]	[2] 27 1/10	[2] 72

[1] Total bales. [2] Average.

Following is a summary of the 2,847 bales showing the quantity included within given limits of the ad valorem equivalent of the 20-cent rate per scoured pound:

Bales (per cent ad valorem, 20 cents per pound):

560	per cent	100	and above.
1,278	do	80	and above.
1,973	do	66⅔	and above.
2,531	do	50	and above.
2,847	do	43⅓	and above.

In order to make these illustrations of the scoured-weight wool tariff as comprehensive as possible, I have compiled from the wool circular of Stables, Straker & Co. the following statement of the 30,644 bales of scoured wool sold at the fourth series of London auctions in July, 1911:

Scoured wool sold at fourth series of London sales, July, 1911.

Bales.	Price per pound.	Per cent ad valorem 20 cents per pound.
	Cents.	
1	6	333
11	6½	308
1	7	286
1	7½	267
11	8	250
9	9	222
5	9½	210
22	10	200
18	10½	190
16	11	182
8	11½	174
66	12	167
22	12½	160
91	13	154
15	13½	148
139	14	143
36	14½	138
228	15	133
85	15½	129
428½	16	125
587½	17	118
801	18	111
1,144½	19	105
1,172	20	100
4,918 bales 100 per cent and above.		
1,325	21	95
1,450	22	91
1,166	23	87
1,095	24	83
1,163	25	80
11,117 bales 80 per cent and above.		
1,173½	26	77
1,034	27	74
1,163	28	71
987	29	69
1,114	30	67
1,188	31	64
1,071	32	62
1,058	33	61
770	34	59
1,128	35	57
1,012	36	56
901	37	54
1,093	38	52
843	39	51
706	40	50
26,419 bales 50 per cent and above.		
944	41	49
896	42	47
932	43	48
522	44	46
427	45	45
30,140 bales 45 per cent and above.		
286	46	44
69	47	43
47	48	42
50	49	41
11	50	40
14	52	38
18	56	36
9	61	33
30,644 [1]	[2] 29¾	[2] 67

[1] Total bales. [2] Average.

THE DEFECTS OF THE SCOURED BASIS FOR TARIFF RATES.

These exhibits tell their own story. They show that a specific duty based on the scoured weight of wool is subject to ad valorem variations fully as great as those now resulting from a specific duty on the grease weight. This is not at all surprising to those familiar with the prices and shrinkages of different grades of wool, although it had escaped the attention of the Tariff Board up to the time of making their report on Schedule K. In recommending the scoured weight as a basis for a specific duty on wool they apparently assumed that the scoured yield was the main factor in determining the value of grease wool, ignoring the equally important factor of grade. The value of grease wool depends upon both shrinkage and grade. These two factors may work in conjunction to raise or lower the price per pound, as when a low-grade wool of heavy shrinkage results in a low price in the grease, and when a high-grade wool of light shrinkage makes a high price in the grease; or they may work in opposition to each other, as when low grade is combined with a light shrinkage and when a high grade is combined with a heavy shrinkage. In each of the last two cases one factor tends to increase the grease price, while the other tends to depress it. These factors of shrinkage and grade are found in such endless proportions, sometimes working together to determine the grease price, at other times in opposition, that a specific duty per scoured pound is subject to ad valorem variations practically as great as in the case of a specific duty per grease pound.

Illustrations of these conditions, which the board has overlooked, are found in the report itself. On pages 387 to 391 is a statement of the yield, scoured cost, and ad valorem equivalent of the Dingley duty of 11 cents a pound on various lots of wool imported by an American worsted mill. We will take for comparison the 30 bales of Australian merino bought on March 8, 1909, and the 50 bales of South American crossbred bought on December 22, 1906. The Payne (Dingley) duty on the grease weight and a specific duty of 20 cents a pound on the scoured weight of these two lots are as follows:

	Australian.	South American.
Grease cost, cents	26.15	26.13
Dingley duty, per cent	42	42
Shrink, do	49.12	34
Scoured cost, cents	51.39	39.6
20 cents per scoured pound, per cent	38.9	50.5

Here are two lots of wool costing the same per grease pound and on which the ad valorem equivalent of the Payne duty is the same. But as a result of the varying shrinkage the costs per scoured pound are 51.39 cents and 39.6 cents, respectively, and the ad valorem equivalents of a 20-cent rate per scoured pound are 38.9 per cent for one lot and 50.5 per cent for the other.

For another illustration, take the 105 bales of Australian merino bought on November 25, 1907, and the 100 bales of South American crossbred bought on June 20, 1908. The results from these two lots are as follows:

	Australian.	South American.
Grease cost, cents	26.6	15.28
Dingley duty, per cent	41.3	71.8
Shrink, do	53	33
Scoured cost, cents	56.6	22.82
20 cents per scoured pound, per cent	35.3	87.6

In the case of these two lots the specific duty per grease pound varies from 41 per cent ad valorem on the first lot to 72 per cent on the second, but great as this variation is the 20-cent rate per scoured pound varies even more, from 35 per cent on one lot to 87.5 per cent on the other. The 20-cent rate per scoured pound has decreased the ad valorem duty on the fine wool 6 per cent and increased it on the coarse wool 16 per cent.

This feature of the wool tariff is so important that I have calculated the ad valorem equivalents of the 20-cent rate per scoured pound for the lots in this statement that were bought in 1907 and 1908. The results follow, compared with the ad valorem equivalents of the 11-cent rate per grease pound:

AUSTRALIAN MERINOS.

Date.	Shrinkage.	Ad valorem 11 cents grease pound.	Ad valorem 20 cents scoured pound.
1907.	*Per cent.*	*Per cent.*	*Per cent.*
Jan. 24	47.2	38.2	36.6
24	48.9	39.8	37.2
24	45.0	35.1	35.1
29	49.8	39.5	36.0
31	48.5	39.8	37.2
31	48.5	38.4	35.9
31	48.5	38.4	35.9
31	48.5	39.8	37.2
31	49.8	40.1	36.6
31	49.5	39.3	36.0
Feb. 1	47.6	44.5	32.3
8	47.7	41.8	39.8
Mar. 10	50.6	43.3	39.0
Oct. 4	50.0	40.2	36.5
Nov. 25	53.0	41.3	35.3
25	52.5	43.0	37.1
18	49.0	41.9	38.8
19	46.0	36.0	35.3
19	44.4	32.9	33.2
25	47.0	36.9	35.5
25	47.0	35.0	33.7
23	46.3	34.4	33.6
16	48.2	36.2	34.0
23	47.3	37.2	35.6
Dec. 30	48.0	35.9	33.9
30	48.0	37.9	35.8
6	46.5	39.2	38.1
10	47.5	41.0	39.1
1908.			
Jan. 6	47.5	37.4	35.6
6	46.5	34.6	33.6
25	47.9	37.1	35.1
31	46.0	40.2	39.5
31	49.0	43.6	40.4
11	47.5	39.5	37.7
31	48.8	43.3	40.3
11	47.5	37.4	35.6
20	48.5	40.6	37.9
20	49.0	38.9	36.0
25	47.5	37.4	35.6
Oct. 9	49.8	43.7	39.9

AUSTRALIAN MERINOS—continued.

Date.	Shrinkage.	Ad valorem 11 cents grease pound.	Ad valorem 20 cents scoured pound.
1908.	*Per cent.*	*Per cent.*	*Per cent.*
Dec. 11	50.0	44.0	40.0
Nov. 23	47.0	50.5	39.0
23	48.0	41.6	39.3
23	47.1	40.6	39.0
21	50.6	44.7	40.1
21	50.8	45.0	40.2
28	47.5	41.8	39.9
28	47.0	39.7	38.2
28	47.8	40.5	38.4
28	50.1	44.2	40.0
28	50.8	45.0	40.2
28	49.8	46.6	42.4
Dec. 2	51.0	55.3	40.3
21	46.0	41.0	39.5
21	50.0	48.9	44.4
15	46.8	44.6	43.1
15	44.6	38.0	38.3

AUSTRALIAN CROSSBREDS.

1907.			
Jan. 12	33.2	33.9	41.2
12	40.5	37.3	40.3
16	41.1	37.8	40.5
23	38.0	35.3	39.7
Feb. 8	38.0	35.3	39.7

SOUTH AMERICAN MERINOS.

1907.			
Mar. 19	51.5	43.3	38.2
19	50.5	41.5	37.3
16	51.5	43.3	38.2
28	53.0	49.7	42.4
28	47.0	44.1	42.4

SOUTH AMERICAN CROSSBREDS.

1907.			
Jan. 7	33.5	41.8	50.5
Mar. 14	42.0	39.5	41.6
Dec. 28	32.5	54.4	66.8
1908.			
Jan. 2	33.3	56.7	68.8
2	36.0	52.8	61.4
13	33.5	56.9	68.8
Apr. 7	33.5	68.3	82.6
28	33.5	70.9	85.7
28	33.5	75.2	90.9
May 15	33.5	75.2	90.9
June 20	33.0	71.8	87.6
27	34.0	72.9	87.4

Here are 79 lots of foreign wool bought in 1907 and 1908 by an American worsted mill. On some of them the 11-cent rate of duty per grease pound gives a higher ad valorem than does the 20-cent rate per scoured pound. On others the 20-cent rate per scoured pound is the higher. This variation is the result of the varying shrinkages. With a shrinkage of 45 per cent the 11 cents per grease pound and the 20 cents per scoured pound give the same ad valorem rate. On wools shrinking more than 45 per cent the 11 cents per grease pound gives the higher ad valorem equivalent. On wools shrinking less than 45 per cent the 20 cents per scoured pound gives the higher ad valorem rate. The 11-cent rate per grease pound on these 79 lots varies from 32.9 per cent to 75.2 per cent ad valorem. The 20-cent rate per scoured pound on the same lot varies from 33.2 per cent to 90.9 per cent. In other words, the application of a specific duty per scoured pound has resulted in a fluctuation of 174 per cent above the minimum in place of a fluctuation of 129 per cent under a duty per grease pound.

As only the lightest shrinking wools are imported into the United States under the present duty, the 79 lots given above fail to disclose the comparative effects of the specific tariffs based on the grease weight and scoured weight of wools of low grade and heavy shrinkage. On such wools the specific duty would be prohibitory, regardless of whether it was based on the grease or scoured weight. Take, for example, the very large quantity of foreign wool shrinking about 65 per cent and selling for 8½ cents, giving a scoured cost of 25 cents a pound. The Payne duty of 11 cents per grease pound would be equivalent to 126 per cent ad valorem, while the 20-cent rate per scoured pound would amount to 80 per cent ad valorem. Both rates would have the same effect—exclusion. It would help neither the manufacturer nor the ultimate consumer to know that they were deprived of these low-priced but useful materials by a duty of 80 per cent instead of 120 per cent. The burden of exclusion would be as heavy in one case as in the other. For all practical purposes the 20-cent rate per scoured pound on those low-priced wools would be as high as the 11-cent rate per grease pound.

Such are the practical effects of the scoured-weight duty, which the Tariff Board tells us (p. 398) "would remedy most of the primary faults of Schedule K; and (p. 396) would admit on equal terms wools of light and of heavy shrinkage which our present method fails to do." Such are the practical effects of the scoured-weight duty which President Taft states (p. 4) "obviates the chief evil of the present system and tends greatly to equalize the duty." The President and the Tariff Board are wrong in their conclusions. The facts are the reverse of what they state. Instead of decreasing the diversity resulting from the present duty per grease pound a specific duty on the scoured pound would increase it. A specific duty per scoured pound would bear heaviest on low-priced wools, which would be wholly excluded, whereas now under a specific duty per grease pound a small quantity of low-priced light shrinking wools is imported. Bad as a specific tariff based on the grease weight of wool is, a specific tariff based on the scoured weight would be worse.

IS THE SCOURED-WEIGHT TARIFF PRACTICABLE?

Having found that a tariff based on the scoured weight of wool is even more objectionable than the present tariff based on the grease weight, it is not worth while to devote much time to a discussion of the practicability of the scoured-weight basis. It claims some attention, however, because the President and the Tariff Board have laid special emphasis on the practicability of that system. Thus, on page 397, the board says:

"The Tariff Board has carefully investigated this matter and, with the aid of the Bureau of Standards, has reached the conclusion that it is not only possible, but it is relatively a simple matter to test wool by sample at the time of importation. It is also ascertained that the machinery required for scouring and conditioning wool in small lots is inexpensive and could be promptly installed, and the cost of operation would be light. If Congress should deem it wise to adopt this method of collecting duties upon raw wool, it would seem that the details necessary for its prompt, efficient, and economical administration may safely be left to the proper administrative officers of the Government."

The President accepts this conclusion in these words, page 4:

"The board reports that this method is feasible in practice and could be administered without great expense."

This statement of the board is ambiguous. Of course it "is a simple matter to test wool by sample at the time of importation," but will the results of the test show the average shrinkage of the entire lot in each case? Like Glendower, the Tariff Board and Bureau of Standards can, of course, call spirits from the vasty deep. So can I or any other man, but will they come when we call? That is the question. To aid in reaching a conclusion as to whether the testing of imported grease wool to determine its shrinkage is feasible, let us consider some of the conditions under which it must be carried out.

DRAWING SAMPLES FOR THE TESTS.

The first difficulty to arise in testing the shrinkage of a lot of wool is the drawing of a sample to represent the entire lot. Wool as it comes from the sheep carries grease, dirt, dung, and other impurities which are removed by the scouring process. This shrinkage in scouring varies widely, not only in different fleeces, but in different parts of the same fleece. The grease wool, usually in separate fleeces, is packed in bales each weighing 180 to 1,000 pounds, and a cargo is made up of different lots varying from 1 bale to 200 bales or more in size. Take a lot of 100 bales. If a manufacturer wanted to test the shrinkage of such a lot before buying, he would buy and scour several, say, 2 to 5, bales selected as fair samples. Testing on such a scale is out of the question in the case of the Government. In a year like 1909 it would mean scouring from 3,500,000 to 9,000,000 pounds of wool. Not only is that impracticable, but it would mean a depreciation of 8 to 10 cents a pound in the market value of the wool so scoured, say, a loss of $350,000 to $900,000. On the other hand, if a small sample, say, 50 pounds, is tested the problem is how to draw 50 pounds from 30,000 pounds more or less so as to have the small quantity represent the entire lot. My belief is that it is impossible and that the small sample, even if drawn by an experienced, careful, and thoroughly honest man, would represent the large lot only by a rare chance.

LARGE NUMBER OF TESTS.

It would be necessary to make a separate test of each lot. The average size of the lots sold at London is about 10 bales. At that rate it would be necessary in a year like 1909 for the United States Government to make approximately 50,000 scouring tests of 50,000 lots of grease wool, or 167 tests per day. The size of this undertaking depends on the size of the test samples, and on that point the board says nothing.

VARIATIONS IN RESULTS OF TESTS.

Scouring tests vary frequently from 2 to 5 per cent or more. The conditioning process, which the Tariff Board recommends, offers no guaranty against such variation. Conditioning will guard against such variations due to the presence of moisture, but will not guard against the variations due to imperfect scouring.

DELAYS.

The testing of wool for shrinkage takes time. Add to this the accumulation of tests in a crowded season and the certainty of disputes involving retesting, the question of delay at the port of entry becomes serious for customs officers as well as for importers and manufacturers. The importer will not know what his wool is to cost him until it has been tested by the Government. This introduces an additional cause of uncertainty in a business already noted for its uncertain features.

DISPUTES.

The difficulties and impossibilities involved in the testing of grease wool in order to assess a duty on the scoured contents make it clear that every test will offer an excellent opportunity for a dispute between the Government and the importer as to the proper duty to be collected. This gives an added significance to the making of 50,000 tests a year.

ERROR AND FRAUD.

Under the conditions that surround a scoured-weight tariff on wool serious errors are certain to occur. In addition there is the opportunity for fraud, with but slight chance of detection and conviction. Fraud would be easy in drawing the samples and in handling the test lots. Concealment of guilt would be equally easy. The opportunities for defrauding the Government would be far greater with the scoured-weight tariff on wool than by undervaluation with an ad valorem duty, and the work of detection and conviction would be practically impossible.

RECOMMENDED IN DISREGARD OF EXPERIENCE.

The Tariff Board evades the practical difficulties involved in a specific tariff based on the scoured weight of wool by stating (p. 397) that "it would seem that the details necessary for its prompt, efficient, and economical administration may be safely left to the proper administrative officers of the Government." Prominence is given in the report to the indorsement of the practicability of such a tariff by the

Bureau of Standards. But what the report fails to state is that, as I am informed on the highest authority, this scoured-weight tariff has been recommended by the Tariff Board in total disregard of the judgment of an administrative officer in the customs service who has had years of practical experience in the handling of wool, both as a dealer and as an official in the Government service. And the judgment of this official is in accord with that of all of the many experienced wool dealers with whom I have discussed this question. There is no escape from the conclusion that the proper administration of a tariff based on the scoured weight of grease wool is utterly impracticable.

ENGLISH AND FRENCH EXPERIENCE.

Reports have just been received from two men, one at Bradford, England, the other at Amiens, France, who at my request made an investigation of the conditioning process in their respective countries and obtained the opinions of men experienced in the management of conditioning houses. My Amiens correspondent says that "le conditionnement des laines à l'état brut ne se pratique que tres rarement." (Grease wool is rarely conditioned.) His statement is confirmed by the official statistics of the Roubaix and Tourcoing conditioning houses, which give the quantity of tops, yarn, and noils tested, but make no reference to scouring tests of grease wool.

My Bradford correspondent went into the subject in considerable detail, making a careful inspection of the processes at the Bradford conditioning house. He reports that in 1911 the Bradford establishment made 237,967 tests, representing 95,930,026 pounds of wool and goods, and that of these tests, 222,998 were for moisture and only 3,464 were "scours for fat and oils." Moreover, these 3,464 scouring tests included tops, noils, wastes, and yarns, the scourings of raw wool being comparatively insignificant.

Another fact of importance is that the wool samples are usually drawn by the submitting party and not by the representatives of the conditioning house, the latter thus taking no responsibility for the essential question as to whether the test lot represents the entire lot. Another point is that some of the scouring tests at Bradford require two days. The tests for moisture are made at Bradford with only 2 pounds drawn from each bag. A Bradford conditioning house manager with long experience told my correspondent that the only way he could suggest for obtaining fairly correct scouring tests of large lots of grease wool was to install full-sized scouring, drying, and air-cooling machinery and testing as many bales of each lot as might be considered necessary. And after this was done the grease left in the wool could be determined only by a chemical analysis. This is the judgment of men experienced in testing textile materials at Bradford, the most important wool-manufacturing center in the world. Against this we have the ambiguous statement, page 397, that "the Tariff Board has investigated the matter, with the aid of the Bureau of Standards, and has reached the conclusion that it is not only possible, but it is a relatively simple matter to test wool by sample at the time of importation."

I have made some inquiries regarding the conditioning of textiles by the Bureau of Standards, and am informed on the best authority that their work thus far has been mainly a study of methods, that the work has not progressed sufficiently to enable them to fix a definite schedule of fees for public service, that they are still working on the problem of sampling from large lots and have not decided on a standard method, and that the determination of the shrinkage of raw wool could be made on samples as large as 3 to 5 pounds. The bureau's work in conditioning textiles is still in its preliminary stage, and while it may in time reach a point where its officials will be able to report from experience on the practicability of administering a tariff based on the scoured weight of grease wool, it has not yet arrived there.

Although the statement of the Tariff Board just quoted is ambiguous, it is calculated to convey the idea that the shrinkage of large lots of grease wool can be easily determined. As such it is unfair to Congress and to all who desire a prompt and wise revision of Schedule K, and it is also unfair to the Bureau of Standards, whose officials, I am sure, would not indorse such a proposition.

My own experience, the statements made to me by many experienced wool dealers, the reports from Bradford and Amiens, and the information obtained regarding the work of conditioning by the Bureau of Standards at Washington all confirm the conclusion already reached that the plan to base specific tariff rates on the scoured weight of grease wool is hopelessly impossible.

IMPOSSIBLE AND UNDESIRABLE.

And for what purpose is it proposed to adopt the impossible scoured-weight proposition? Why, in order to establish a tariff system under which the inequalities would be far greater than they are now under the specific tariff on grease wool, whose serious defects are no longer denied.

CARPET WOOLS.

The recommendations of the board regarding wools of different classes are somewhat conflicting. They decided that the scoured basis should be adopted for wools of Class I and Class II, but when they faced the problem of carpet wool they concluded that the grease basis should be adopted. The report states, page 414:

"The objection hereinbefore conceded to lie against the flat specific on the scoured content, as in the case of Classes I and II, becomes in the case of this heterogeneous mixture of grades, qualities, and values a much more serious one."

The objection to which the board refers and which has already been quoted is, page 397:

Objection is made to a flat rate upon the scoured pound on the ground that it would not be fair to subject wools of varying value to a uniform rate of duty. It must be conceded that there is some reason in this."

As a matter of fact, the scoured values of wools of Class I and Class II vary far more than do the scoured values of carpet wools, so this objection applies with less force to carpet wools than to the others, although a scoured-weight tariff is undesirable for wools of any class. The board suggests, page 414, that—

"This problem might be settled by a single specific rate, regardless of either value or condition, as meeting best the problems of administration and revenue, and at least relieving the carpet trade of much of the uncertainty inherent in the present system."

This recommendation of a flat specific rate on carpet wool can easily be subjected to the acid test by applying any such rate, say 7 cents a pound, to the different grades. A list of these grades was obtained from one of the leading dealers in carpet wools, with the approximate prices on March 15, 1912. The list follows, with the ad valorem equivalents of a 7-cent specific rate:

Name.	Price, cents per pound.	Per cent ad valorem (7 cents per pound).
SOUTH AMERICA.		
Argentine-Cordova	12	58
Chile-Valparaiso	12	58
ASIA.		
East India Kandahar white, washed	20	35
Kandahar yellow, washed	17	41
Vicanere white, washed	21	33
Joria white, washed	24	29
Yellow, washed	17	41
Heavy low yellow, washed	12	58
China filling in grease	12	58
Combing in grease	14	50
Washed	24	29
Tibet in the grease	12	58
Persia, White Bushire in grease	12	58
Black Bushire in grease	11	64
Bokhara white, washed	17	41
Black, washed	12	58
Khorassan, I clip, washed	17	41
II clip, washed	14	50
TURKEY IN ASIA.		
Caramanian in grease	12	58
Jaffa in grease	12	58
Erzeroum in grease	10	70
EUROPE.		
Corsican in the grease	11	64
Sardinian in the grease	12	58
Cyprus in the grease	12	58
RUSSIA.		
Georgian, I clip in grease	15	47
II clip in grease	16	44
Lambs, in grease	18	39
Turkestan, greasy	12	58
Trans-Caspian, washed	18	39
AFRICA.		
Very coarse hairy wools in small quantities	12	58
ASIA MINOR.		
Aleppo in grease	12	58
Washed	23	30
Orfa in grease	12	58
Washed	23	30
Awassi and Karadi in grease	12	58
Washed	20	35
Damascus in grease	12	58
Washed	23	30
Angora in grease	12	58
Washed	21	33
Kashgar, washed, white	20	35
Syrian pieces	11	64
Smyrna in grease	12	58
Mexican	13	54
EUROPE.		
Austrian Zackel in grease	12	58
Washed	23	30
Pulled	15	47
Scotch blackfaced in grease	14	50
Haslock, pulled	21	33
Greece, unwashed	12	58
Germany and Holland, heath greasy	11	64
Heath, washed	14	50
Iceland, washed	22	32
Pulled	18	39
Portugal-Oporto, washed	20	35
In grease	8	88
Russia-Calmuc in grease	9	77
Crimean, washed	14	50
Donskoi, washed	23	30
Donskoi, in grease	12	58
Lambs	19	36
Kasan, washed	17	41
Spain and France Pyrenean, unwashed	12	58
Pyrenean, washed	24	29
Turkey-Albania	12	58
Bosnian	12	58
Kasabachia	12	58
Salonica, unwashed	12	58
Salonica, washed	24	29
Servian skin wool	16	44

This is the operation of the tariff recommended by the board for carpet wool. The rates vary from 29 to 88 per cent ad valorem, the highest being 200 per cent above the lowest. Comment would seem to be unnecessary. In fact, it was hardly necessary to test the board's recommendation, as it is now well known that a specific duty on a material varying as widely in condition and value as wool does is indefensible.

The board's recommendation of one rate for so-called carpet wools and a very different rate for all other wools is seriously objectionable because of the impossibility of classifying wools according to the uses to which they are to be put. Under the present classification of the Payne bill a large quantity of wool is imported at a low duty as class III (carpet) wool and used in the manufacture of goods other than carpeting. This is admitted in the report, page 413:

"These wools (class III) are chiefly used in the manufacture of carpets and rugs, but an inquiry by the board develops the fact that, while the great bulk of the consumption is devoted to such use, certain grades are in demand for other purposes, such as the manufacture of felt boots, horse blankets, coarse upholstery goods, robes, paper maker's felt aprons, and wadding for gun cartridges. The better grades also find their way into various blends in the manufacture of coarse cloths, such as the cheaper grades of cloakings, overcoatings, coarse tweeds and cheviots, and occasionally into worsted-spinning mills.

"The truth seems to be that the demand for the so-called carpet wools for better than carpet-making purposes depends largely upon the price of clothing wools."

So it will be with any reasonable classification intended to admit carpet wools at a rate different from that placed on other wools. It follows that under such an arrangement the manufacturers using so-called carpet wools for goods other than carpets will obtain an advantage over other manufacturers making competing goods from wool subject to the higher duty.

COMPENSATORY DUTIES.

The report devotes much space to the compensatory duty on goods made wholly of wool and on pages 621 to 626 gives a detailed account of how this duty could be adjusted to provide compensation for a specific tariff based on the scoured weight of wool. The shrinkage of wool in the various processes of manufacturing and the value of the various by-products from noils to shear flocks are calculated with apparent exactitude. To provide compensation the rate per scoured pound of wool is increased 10 per cent when applied to tops, by 19 per cent when applied to yarn, and by 42 per cent when applied to cloth. All this leaves the impression that here we have a method by which compensation for the compensatory tariff can be adjusted to the duty on wool with scientific accuracy. This method, however, is based on the false assumption that the cost of the raw material in wool goods is increased by exactly the amount of specific duty imposed on imported wool. But this is not the case. The specific duty, bearing no uniform relation to the value of the wool, restricts the supply of different grades unequally. A new, unstable, and usually higher price level is established behind such a tariff. And the difference between the domestic and the foreign price of wool is nearly always less than the tariff on the wool imported. That has been the rule under the various wool tariffs since 1867. The last three years have supplied a striking illustration of it, for during a considerable part of that time the domestic price of wool has been but little above the foreign price, although a specific duty has been in force with ad valorem equivalents varying from 35 to 550 per cent.

This would be the condition under a specific duty based on the scoured weight of wool for which the Tariff Board has calculated a compensatory duty with such seeming accuracy. Suppose that the 30,644 bales of scoured wool already referred to are offered for sale in foreign markets and that a duty of 20 cents per scoured pound is in force in this country. The American manufacturer would run his eye down the list and find that on 26,419 bales, or 86 per cent of the entire quantity, the duty varied from 50 to 333 per cent ad valorem; that on 4,918 bales the duty varied from 100 to 333 per cent; and that the average duty for the entire 30,644 bales would be 67 per cent ad valorem. This would mean that the low-priced wools were excluded from the country and that the only wools available for importation were those of the best quality and highest price adapted for high-priced fabrics.

NO COMPENSATION FOR EXCLUSION OF RAW MATERIALS.

The manufacturer would thus be forced to use such substitutes as were offered for sale in the United States, such as the limited quantity of low-grade wools, shoddy, wool by-products, and cotton. Under these conditions the compensatory duty framed by the Tariff Board would be but a mockery. No tariff on goods can compensate a manufacturer for a duty which deprives him of raw material. With a duty of 20 cents per scoured pound, wool costing abroad 25 cents a pound scoured would cost 45 cents duty paid. The Tariff Board says: Put a specific duty of 22 cents a pound on tops, 23¾ cents a pound on yarn, and 28½ cents a pound on goods to compensate the American manufacturer for this 20-cent duty on wool. But the trouble with this plan is that the business will not stand the 20-cent rate. The foreign prices of different grades of wool are determined by their respective adaptability for supplying the wants of consumers. When specific duties interfere with the extension of such natural adjustment of values to the United States, the result is not, as the Tariff Board assumes, a uniform increase in the American market by the amount of the specific duty. Such interference results, instead, in a new adjustment based on the adaptability of the restricted American supply of raw materials for supplying the wants of American consumers. And it is these conditions that the American manufacturer must meet. He must make his goods out of low-priced materials in order to sell them at prices the consumer can pay. The so-called compensatory of 28½ cents a pound becomes under such conditions largely protective and thus the scoured weight duty leaves us just where we are now, with low-priced raw materials excluded from the country and the tariff on goods largely in excess of requirements because of the concealed protection in the compensatory duties.

PROTECTIVE DUTIES ON WOOL MANUFACTURES.

That part of the report dealing with protective duties on partly and wholly manufactured goods is confused and conflicting. Great emphasis is placed on what the board considers to be the serious defects of ad valorem duties, the following from page 709 being a typical passage:

"One serious disadvantage of ad valorem duties is that the amount of duty increases with every increase in the price of the article. In other words, at the time when prices are high and when the consumer would be most benefited by the active competition of foreign fabrics, the duty automatically increases. Conversely, the amount of duty diminishes when prices fall; that is, when the consumer least needs relief and when the competition of foreign manufacturers is most injurious to the home producer."

The report then goes on to point out the supposed advantages of specific duties and the disadvantages of an ad valorem tariff for purposes of protection, page 709:

"From the point of view of protecting the domestic manufacturer by equalizing the difference in cost of production at home and abroad by means of tariff duties, the system of specific duties is the natural and logical method. Market values fluctuate continuously, according to the prices of the raw material. The cost of manufacturing this material, however, remains relatively constant and does not change with such fluctuations; that is, the difference in the cost of production is a relatively constant quantity, and consequently a duty assessed in ad valorem terms would inevitably be at one time in excess of the difference in the cost of production and at another time less than the difference in the cost of production, according to the temporary and speculative changes of the market."

Then the report condemns specific duties for goods with a saving clause for yarn, pages 709 and 710:

"The successful operation of a system of specific duties, however, depends upon the possibility of classifying the articles on which duties are levied in definite terms familiar to the trade and corresponding to actual difference in cost of manufacture. Many efforts have been made to find an accurate basis for such classification for manufactures of wool, but thus far not with success so far as woven fabrics are concerned. In the case of yarns the problem is relatively simple. Yarns are comparatively well standardized and their cost varies in a certain regular relation to the fineness or count of the yarn. It is a simple matter, then, to adopt the specific system in this particular case. A duty can be assessed on No. 1 yarn and be made to increase by a certain proportion with each additional count of yarn. The proper additions could, furthermore, be made for doubling, dyeing, hard twisting, etc.

"But no satisfactory method of classifying woven fabrics, in the case of manufactures of wool with a view to the assessments of specific duties, has yet been devised."

These conclusions, if accepted as final, deprive us of any satisfactory basis for protective duties, but the report supplies this want on page 710 by adopting the ad valorem system which it had so severely condemned on page 709:

"It would seem, then, that in so far as woolen and worsted fabrics are concerned the only present practicable method of levying duties is to adopt in some measure a system of ad valorem duties. Such ad valorem duties would necessarily be in addition to any compensatory duties levied because of the duty on the raw material."

It is difficult to understand the state of mind in which a system of protective duties is condemned on one page and then adopted on the next without referring to the objections previously stated or adopting any measures whatever to overcome them. The market fluctuations which made an ad valorem tariff on goods so objectionable and so burdensome to the consumer on page 709 would have exactly the same effect under the stepladder ad valorem duties recommended on page 710.

RAW MATERIAL AND MANUFACTURING COSTS.

Without wasting time in further consideration of the contradictory reasoning of the Tariff Board, let us look at their recommendations regarding protective duties, page 18:

"There are grave difficulties, however, in attempting to place a flat ad valorem rate on manufactures of this kind. In certain grades of fabrics the value of the material is a very large proportion of the total value and the cost of the manufacture relatively small. In the case of expensive and finely finished goods, on the other hand, the cost of material becomes less important and the labor or conversion cost becomes an increasingly large proportion of the total cost. The result is that a flat rate adequate to offset the difference in cost of production on the finer goods must be prohibitive on cheaper goods. Conversely, the rate which merely equalizes the difference in cost of production on cheaper goods would be inadequate to equalize the difference in the cost of finer goods. A fair solution seems to be the adoption of a graduated scale under which an ad valorem rate, assessed properly on goods of low value, should then increase progressively, according to slight increments of value, up to whatever maximum rate should be fixed."

This recommendation is also found in the President's message, page 6:

"No flat ad valorem rate on such fabrics can be made to work fairly and effectively. Any single rate which is high enough to equalize the difference in manufacturing cost at home and abroad on highly finished goods, involving such labor, would be prohibitory on cheaper goods, in which the labor cost is a smaller proportion of the total value. Conversely, a rate only adequate to equalize this difference on cheaper goods would remove protection from the fine-goods manufacture, the increase in which has been one of the striking features of the trade's development in recent years. I therefore recommend that in any revision the importance of a graduated scale of ad valorem duties on cloths be carefully considered and applied."

The President and the Tariff Board are mistaken in their assumption that the cost of manufacturing is less on low-priced fabrics than on high-priced goods. This is not in accordance with mill experience. To show what the truth is regarding the proportions of raw material and manufacturing in the cost of different grades of wool goods, the figures for 86 fabrics made at the Merchants Woolen Mill, Dedham, Mass., during the two years four and one-half months from December, 1891, are given below:

Cost of goods.

No.	Goods.	Per pound.	Raw material.	Manufacturing.
			Per cent.	*Per cent.*
1497	Beaver	$0.453	36.7	63.3
913	do	.473	41.5	58.5
2103	Chinchilla	.476	55.5	44.5
1491	Beaver	.488	41.8	58.2
2105	Chinchilla	.502	54.0	46.0
1452	Serge	.504	59.7	40.3
912	Beaver	.506	47.2	52.8
1382	do	.507	43.9	56.1
463	do	.523	52.5	47.5
509	do	.534	52.6	47.4

Cost of goods—Continued.

No.	Goods.	Per pound.	Raw material.	Manufacturing.
			Per cent.	*Per cent.*
1415	Beaver	$0.582	51.0	49.0
1226	Cloaking	.586	59.9	40.1
1415	Beaver	.588	51.3	48.7
901	do	.588	52.4	47.6
1486	do	.598	43.2	56.8
1429	do	.598	52.4	47.6
908	do	.600	53.6	46.4
903	do	.601	51.5	48.5
1382	do	.605	50.6	49.4
1423	do	.605	52.5	47.5
1422	do	.606	53.9	46.1
1219	do	.609	53.3	46.7
904	do	.615	54.8	45.2
1436	Serge	.631	52.4	47.6
461	Beaver	.633	46.0	54.0
904	Cloaking	.642	52.0	48.0
4608	Kersey	.647	50.3	49.7
1219	Beaver	.650	53.4	46.6
1418	Melton	.652	64.1	35.9
1428	Serge	.652	52.5	47.5
1487	Beaver	.663	58.0	42.0
1476	Frieze	.664	71.0	29.0
910	do	.687	69.6	30.4
907	Beaver	.689	56.5	43.5
1459	Cloaking	.701	57.7	42.3
1438	Melton	.715	68.1	31.9
4608	Kersey	.77	60.0	40.0
1483	do	.723	59.7	40.3
1428	Beaver	.741	60.6	39.4
1402	Serge	.748	57.9	42.1
1434	do	.746	53.0	47.0
1443	Thibet	.757	48.1	51.9
497	do	.764	60.4	39.6
1417	Kersey	.766	66.0	34.0
1318	Beaver	.767	54.2	45.8
92	do	.767	52.0	48.0
447	Kersey	.771	56.4	43.6
1470	Melton	.772	61.5	38.5
1408	Kersey	.788	62.1	37.9
1417	Worsted	.788	61.9	38.1
1467	Melton	.788	57.5	42.5
1416	Kersey	.789	60.7	39.3
906	Beaver	.794	57.3	42.7
1413	Kersey	.797	67.7	32.3
1410	do	.797	57.2	42.8
1450	Thibet	.793	54.3	45.7
1424	Kersey	.809	61.8	38.2
900	Beaver	.816	52.2	47.8
1791	Kersey	.829	70.1	29.9
1230	Thibet	.834	58.0	42.0
1427	Beaver	.835	51.6	48.4
118	Chinchilla	.840	61.0	39.0
1461	Beaver	.843	52.7	47.3
1489	Serge	.848	65.7	34.3
911	Dress goods	.893	53.9	46.1
1490	Serge	.905	64.3	35.7
1449	do	.911	57.6	42.4
301	Kersey	.614	60.1	39.9
1230	Thibet	.918	61.4	38.6
1481	Melton	.923	70.2	29.8
4800	Beaver	.958	60.9	39.1
1477	Serge	.993	53.1	46.9
1442	Thibet	.993	59.4	40.6
1448	Serge	1.048	54.7	45.3
1419	do	1.081	65.5	34.5
53	Dress goods	1.113	60.3	39.7
1240	Serge	1.114	54.2	45.8
1462	Kersey	1.118	57.0	43.0
57	Dress goods	1.146	56.6	43.4
909	Flannel	1.22	58.0	42.0
902	Cassimere	1.242	60.6	39.4
1472	Thibet	1.29	59.8	40.2
5000	Piece dye	1.36	71.2	28.8
1468	Thibet	1.43	60.4	39.6
905	Kersey	1.444	67.3	32.7
479A	Worsted	1.82	62.6	37.4

These cost figures refute the contention of the President and the Tariff Board as to the proportion of the cost of manufacturing to the total cost of low and high priced wool goods. Of these 86 fabrics the 43 lowest priced cloths show an average manufacturing cost of 46.1 per cent. The 43 highest priced show an average manufacturing cost of 40.2 per cent. The general principle to be drawn from these particulars is the opposite of that formulated by the President and the board. There is a slight preponderance of manufacturing cost in the total cost of the low-priced goods.

THE BOARD'S RECOMMENDATIONS IN CONFLICT WITH THE BOARD'S STATISTICS.

The indorsement by the President and the board of the opposite claim is the more remarkable because it conflicts not only with mill experience but with the cost estimates which the board gives on pages 651 to 690. The form in which these estimates appear is misleading, because the cost of the raw material and the cost of manufacturing this material into yarn are not given separately, but are both included in the single item of yarn cost. This may explain why the board formulated a general principle which was in conflict with its own figures. On 42 of the samples listed on pages 651 to 690 I have calculated the cost of converting the raw stock into yarn, using as far as possible the data which the board gives. This conversion cost of yarn has been added to the board's estimate for converting the yarn into cloth, and thus we arrive at the board's estimate of the cost of raw material and the cost of manufacturing, which are given in percentages in the following table along with the cost per pound of cloth:

No.	Goods.	Per pound.	Per cent cost raw material.	Per cent manufacturing.
13	Woolen, cotton shoddy	$0.453	33	67
14	Woolen	.566	54	46
11	do	.632	64	36
21	do	.729	53	47
25	do	.903	56	44
16	do	.963	48	52
46	do	1.008	63	37
9	Woolen, worsted	1.012	63	37
8	Woolen	1.014	56	44
22	Worsted	1.022	59	41
14	Woolen	1.036	59	41
3	Cotton worsted	1.072	48	52
41	Woolen	1.074	58	42
44	do	1.107	67	33
23	Worsted	1.113	58	42
1	do	1.12	55	45
26	Cotton worsted	1.141	44	56
32	Woolen	1.147	49	51
12	Worsted	1.154	57	43
19	do	1.18	54	46
33	Woolen	1.19	50	50
27	Worsted	1.228	61	39
20	Woolen	1.232	53	47
37	Worsted	1.26	62	38
10	do	1.27	55	45
15	do	1.277	67	33
34	do	1.339	52	48
36	do	1.383	71	29
49	do	1.434	55	45
47	do	1.502	59	41
6	do	1.52	49	51
39	do	1.54	59	41
48	do	1.542	57	43
40	Worsted, woolen	1.546	55	45
29	Worsted	1.614	60	40
43	Worsted, woolen	1.682	58	42
51	Worsted	1.683	56	44
42	do	1.744	59	41
7	do	1.89	52	48
35	do	1.96	60	40
5	do	2.07	48	52
53	do	2.464	50	50

These figures do not give the slightest support to the claim advanced by the President and the Tariff Board that the proportionate cost of manufacturing increases with the total cost of the goods. On the contrary, the board's own cost estimates show that the proportionate cost of manufacturing is greatest on the cheapest goods. The 21 lowest priced fabrics show an average manufacturing cost of 45½ per cent, while the average of the remaining 21 highest priced cloths is 43 per cent. Thus we find that starting with a false assumption regarding the cost of manufacturing the Tariff Board recommends a system of stepladder ad valorem duties on goods (p. 710):

"In general it may be said that the fabrics of high value have a relatively high conversion cost. There are, of course, individual exceptions to this general statement, but they are not of sufficient importance to materially affect the case. Consequently, if the purpose of legislation be to adjust duties so far as possible to relative labor or conversion costs, this can now best be done, so far as woolen and worsted fabrics are concerned, by assessing ad valorem rates and have them vary with the value of fabric. A system of graduated duties, increasing regularly with different increments of value, could be made equitably to equalize the difference in cost of production on the more expensive fabrics without placing prohibitory rates on fabrics of lower grades."

Mill experience and the board's own figures stamp the premise as wrong and the recommendation as unsound. If protective ad valorem rates on wool goods are to be varied at all with the value of the fabric, the highest rates should be placed on the lowest priced goods. As a matter of fact, however, the relative proportions of raw material and manufacturing making up the cost of wool goods of different values are fairly uniform and the variations so slight that one flat ad valorem rate answers well for protective purposes.

An additional fact of interest bearing on this question of the relative proportions of material and manufacturing expense is found in the cost of the carded woolen goods made in the Hecla mill, Uxbridge, Mass., from December 31, 1886, to October 31, 1891. The total cost of the goods was $1,343,076.47. Of this amount $795,996.02, or 59.3 per cent, was the cost of the wool, while the remainder, $547,080.45, or 40.7 per cent, covered all other expenses of manufacturing. While these Uxbridge figures have no direct bearing on the claim advanced by the President and the board as to the variation of these proportions in the cost of low and high priced goods, they do show that the average at the Hecla mill corresponds approximately with the results obtained at Dedham, where the average for the 86 fabrics was 56.8 per cent for raw material and 43.2 per cent for manufacturing. The item of raw material in both cases covers only the cost of the materials, wool, cotton, and by-products, converted into cloth, while all other expenses, including such materials as fuel, soap, and dyestuffs, are included in the cost of manufacturing.

AD VALOREM DUTIES.

The report of the Tariff Board is emphatic in condemnation of ad valorem duties on wool, the objections being summarized in the following extracts:

Page 4: "These discriminations could be overcome by assessing a duty in ad valorem terms, but this method is open to the objection, first, that it increases administrative difficulties and tends to decrease revenue through undervaluation; and, second, that as prices advance,

the ad valorem rate increases the duty per pound at the time when the consumer most needs relief and the producer can best stand competition, while if prices decline the duty is decreased at the time when the consumer is least burdened by the price and the producer most needs protection.

Page 11: "The board finds that an ad valorem is open to grave objection from the point of view of administration and revenue, in the case of a crude, bulky commodity like wool, produced in many remote regions and finding its way into the markets through so many various channels of trade.

"That, furthermore, an ad valorem rate would give a high duty per pound when prices were high; that is, when the consumer most needs relief and the producer is most able to bear competition. With a low price of wool the duty per pound would be low; that is, at the time when the consumer has less need of competing wools and the producer is least able to bear competition."

If these two objections to ad valorem duties are sound in respect to wool, they have even greater force when a tariff on manufactured goods is considered. The value of raw wool is easily determined, whereas the appraisal of manufactured goods is difficult. Moreover, if the evil effects of fluctuating prices, over which the President and the Tariff Board express so much concern in the case of wool, are not imaginary, they will certainly be far more serious in the case of manufactured goods, because the protective duty on goods involves not only the protection of the woolgrower but of the wool manufacturer as well. And yet the President and the board unite in recommending an ad valorem duty for goods, where all of their objections, if valid, have the greatest force. If they are right in recommending an ad valorem duty for goods, they are wrong in condemning it for raw wool. No part of this contradictory report and the message accompanying it excites more surprise than the condemnation of ad valorem duties for raw material and the approval of such duties for manufactured goods.

THE BURDEN OF SPECIFIC RATES.

Equally surprising is the manner in which the report and the message ignore the serious objections to a specific duty on a material varying in value as widely as scoured wool. In the preceding pages of this analysis are illustrations of these variations. A typical example is supplied by the 30,644 bales of scoured wool sold at London last July, which showed ad valorem equivalents of a 20-cent rate per scoured pound, varying from 33 per cent on the highest-priced lot to 333 per cent on the lowest priced. The President and the board unite in recommending a wool duty subject to such burdensome inequalities, at the same time condemning a uniform ad valorem rate because of the possibility of undervaluations which could not exceed 5 per cent without gross official negligence. Suppose that under an ad valorem tariff two vessels laden with wool should reach an American port, each carrying 3,000 bales, 900,000 pounds scoured weight, of wool; that the wool in one vessel was valued at $216,000 and in the other at $432,000. A fair method of taxing this wool would make the tax on the low-priced cargo one-half of that imposed on the other, which is worth twice as much. It would unquestionably be a great injustice to collect the same tax, say $108,000, on each cargo. That would be like taxing real estate at so much per parcel, instead of so much per thousand dollars of valuation. It would increase the cost of one cargo by 50 per cent and the cost of the other by only 25 per cent. It would be injustice, discrimination, and special privilege. And yet it is exactly that objectionable system which the President and the Tariff Board recommend for the duty on wool. And one of the reasons for their recommendation is the possibility, under a straight ad valorem tariff, of a variation due to undervaluation that could not exceed 5 per cent if the administrative officers did their duty.

Another serious objection to specific duties which the President and the board ignore when advising a specific duty on wool is the heavy burden it places on low-priced materials suited for consumers of low purchasing power, while the high-priced goods that go to consumers of high purchasing power escape with a light duty. This analysis is filled with illustrations of this particular evil, to which the President and the Tariff Board are apparently indifferent in their zeal for a specific tariff based on the scoured weight of wool. The objection to an ad valorem duty because of the fluctuation of market values deserves little consideration. Price fluctuations comparable to the fluctuations of the ad valorem equivalents, which we have seen to be certain under specific duties, are unthinkable. The ordinary fluctuations of prices offer no serious difficulties to either producer or consumer in connection with an ad valorem tariff. Prices do change, like all other things, and with an ad valorem tariff the duty collected will change in harmony with them. And it is only by an ad valorem tariff that the injustice of collecting a fixed tax regardless of value, as under the present tariff on wool, can be avoided. Moreover, if a protective tariff is to be adjusted to the difference in the cost of production between this country and abroad, the value is the only proper basis for the rates.

ADVANTAGES OF AD VALOREM RATES.

I have already shown the practical uniformity of the proportions of material and manufacturing costs that make up the total cost of different fabrics, and which show how well an ad valorem basis is suited for a tariff based on the manufacturing cost. Moreover, the cost of partly manufactured products increases with each process. The value increases with each step in manufacturing, thus automatically apportioning and adjusting the basis of the tariff to the protective requirements. For example, if wool is converted into worsted cloth the total value of the wool is divided, part of it being represented by the value of the by-products at the successive stages of manufacturing and the remainder being combined with the manufacturing cost to make up the total cost of the cloth. Eliminating profits, the market value of the cloth and by-products thus provides the basis for the proper protective-tariff rates. And the practical uniformity of the proportions of raw material and manufacturing in the cost of cloths makes the value the best basis for the compensatory duty.

There is another important point in this connection. Let us assume that there is an ad valorem duty of 40 per cent on wool, and that the American cost of manufacturing is twice the foreign cost. As the proportions of raw material in different fabrics are, with few exceptions, found to vary between 50 and 65 per cent, we will take for illustration two cloths of which one represents a foreign cost per yard made up of 50 cents for wool and 50 cents for manufacturing, while the cost of the other per yard consists of 65 cents for wool and 35 cents for manufacturing. To equalize the foreign and domestic costs of these two fabrics the following duties would be necessary:

	Foreign cost.	Difference.	American cost.
NO. 1 CLOTH.			
Wool	$0.50	$0.20	$0.70
Manufacturing	.50	.50	1.00
	1.00	.70	1.70
NO. 2 CLOTH.			
Wool	.65	.26	.91
Manufacturing	.35	.35	.70
	1.00	.61	1.61

This shows that, while the difference in the cost of manufacturing varies 15 cents a yard, the difference in the total cost duty paid varies only 9 cents per yard. For that reason a flat ad valorem rate of 70 per cent on goods would, in extreme cases, exceed the required protection by only 5 per cent. This is a negligible difference when compared with the extreme variations under a specific tariff, which have been such powerful factors in arousing public sentiment against not only the Payne bill but the policy of protection itself.

A TARIFF BILL "IN ACCORDANCE WITH THE REPORT."

I have endeavored to confine the foregoing analysis to the more important features of the Tariff Board's report on Schedule K. This has resulted in the omission of reference to a number of points which, though deserving attention, are of comparatively minor importance. The Hill bill (H. R. 22262) for revising Schedule K has recently been introduced into the House of Representatives, and as its author, Mr. HILL, announced that it was in accordance with the report of the Tariff Board, a brief examination of this measure may not be out of place here, affording, as it will, an opportunity to illustrate the practical application of various recommendations in the report.

THE HILL TARIFF ON WOOL.

The Hill bill provides for a specific duty of 18 cents a pound on the scoured weight of grease wool. The difference between this rate and the rate (20 cents a pound) which is used in this analysis to illustrate the operation of a scoured-weight duty on wool is so slight that my previous comments on this feature of the board's report can be applied to the wool duties on the Hill bill. Take, for example, the 30,644 bales of scoured wool sold at London last year. The 20-cent rate made the highest ad valorem equivalent 333 per cent, the lowest 33 per cent, and the average 67 per cent. The Hill rate of 18 cents would make the highest ad valorem equivalent 300 per cent, the lowest 29 per cent, and the average 60½ per cent. The proportionate variation is the same in both cases; the reduction would be of negligible value to either manufacturer or consumer. The Payne rate on scoured wool is 33 cents a pound, giving on the scoured wool above named extremes of 550 and 54 per cent, the three rates showing the following comparison:

	Hill, 18 cents.	20 cents.	Payne, 33 cents.
	Per cent.	*Per cent.*	*Per cent.*
High	300	333	550
Low	29½	33	54
Average	60½	67	111

BY-PRODUCTS.

The Hill rates on wool by-products are as follows:

"Top waste and slubbing waste, 18 cents per pound; roving waste and ring waste, 14 cents per pound; noils, carbonized, 14 cents per pound; noils, not carbonized, 11 cents per pound; garnetted waste, 11 cents per pound; thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound; shoddy, mungo, and wool extract, 8 cents per pound; woolen rags and flocks, 2 cents per pound."

All that has so far been said regarding the inequalities and burdens resulting from specific duties on wool and wool goods applies with special force to such duties on wool by-products, the use of which is essential to the proper clothing of people living in temperate and cold climates. The operation of the Hill duties on by-products is illustrated by applying them to the 42 samples of noils, waste, and shoddy to which reference was made in Senate Document No. 38, Sixty-first Congress, first session. This illustration is conservative, because by-products will be found in the market both higher and lower in price than any on this list:

Price and ad valorem equivalent of 42 samples of by-products.

No.	Name.	Price.	Ad valorem equivalent.	
			Hill.	Payne.
		Cents pound.	*Per cent.*	*Per cent.*
4	Black shoddy	6½	123	385
6	Cheviot shoddy	6½	123	385
22	Carbonized serge	7	136	286
1	Green worsted shoddy	8	100	312
2	Dyed black mungo	8½	94	118
3	Dyed green mungo	8½	94	118
32	Carbonized black worsted	9	122	333
5	Medium worsted shoddy	9	89	222

Price and advalorem equivalent of 42 samples of by-products—Continued.

No.	Name.	Price.	Ad valorem equivalent.	
			Hill.	Payne.
		Cents pound.	*Per cent.*	*Per cent.*
21	Black worsted, carded	10½	90	190
2640	Crossbred noils	12½	88	160
16	Colored waste	13	73	154
2541	Crossbred noils	14	79	143
2880	Olive shoddy	15	53	167
11	English noils	15	73	133
2537	Crossbred noils	15	73	133
18	Gray waste, carded	15	63	133
2469	Fine shoddy	16	50	157
10	English noils	16	69	125
9	....do	16½	67	121
2534	Crossbred noils	16½	67	121
2536	N. Z. noils	17	65	117
2535	Crossbred noils	17½	62	114
20	Colored crossbred	19	57	157
2539	50s noils	19½	56	102
2533	Lister noils	20	55	100
8	English noils	20	55	100
15	Hosiery waste	20½	46	97
2532	Lister noils	20½	53	97
17	White waste	20½	53	146
13	White hosiery waste	21	45	95
13	Down noils	21½	51	93
2990	Light shoddy	22	36	114
3155	Light waste	22	43	91
2785	Black shoddy	22	36	114
14	Hosiery waste	23	41	87
26	Crossbred noils	23½	47	85
7	White noils	29	38	69
27	Botany noils	31½	35	63
28	Cape noils	33	33	61
19	Botany waste	35	31	86
25	Aust. 80s noils	35	31	57
21	Colored botany	39	28	77

The Hill rates appear moderate compared with the Payne duties, but for nearly all the materials in the list the former would have the same effect as the latter—exclusion.

WORSTED TOPS.

In order to show how the Hill rates on worsted tops would operate I have calculated the ad valorem equivalents of both the Hill and Payne rates for eight grades of tops ranging from the highest to the lowest sold at Bradford, England, the prices being for March 15, 1912. The results follow:

Name.	Price, cents per pound.	Ad valorem equivalent.	
		Hill.	Payne.
		Per cent.	*Per cent.*
40s Colonial	26½	80	163
44s Colonial	28	76	161
50s Colonial	34	64	138
56s Colonial	39	56	124
60s Colonial	48½	46	105
70s Colonial	52	43	100
80s Colonial	54	42	97
90s Colonial	60	38	91

Here again we see the irregularity of ad valorem equivalents and the heaviest burden on the lowest-priced materials that always result from specific duties. The Payne rates on worsted tops are all prohibitory. The Hill rates would be prohibitory on low-priced tops and under certain conditions of domestic supply and demand would probably permit of a limited importation of high-priced tops. The Hill duty on tops is made up of a specific duty of 20 cents, called the compensatory duty, and a protective duty of 5 per cent ad valorem. This division is only nominal. On low and medium priced tops the specific duty would fail to compensate for the exclusion of the low-priced wools of which such tops are made.

YARN.

Under the Hill bill yarns would be subject to a duty of 21½ cents per pound and an additional ad valorem rate graded according to value as follows:

	Per cent ad valorem.
30 cents and under	10
30 to 50 cents	15
50 to 80 cents	20
Above 80 cents	25

The Tariff Board's recommendation that the protective duty on goods be ad valorem and increase with the value of the goods in order to protect the supposed greater proportionate cost of manufacturing high-priced goods has been adopted in framing the Hill tariff on yarn. I have shown that that assumption is incorrect. The progressive increase in the Hill protective rates is consequently unwarranted. The specific rate of 21½ cents per pound, giving the highest ad valorem equivalent on the lowest-priced yarns, serves in some measure to correct the inequalities resulting from the progressive increase of the ad valorem rate. This correction is only partial, however, as is shown by the Hill ad valorem equivalents on 13 grades of worsted yarn quoted at Bradford, England, on March 15, 1912:

Name.	Price per pound.	Ad valorem equivalent.	
		Hill.	Payne.
		Per cent.	*Per cent.*
2/16s crossbred (32s)	$0.32	82	160
2/15s 3-ply carpet	.34	78	153
2/32s crossbred (40s)	.37	73	145
2/36s crossbred (44s)	.40	69	136
2/40s crossbred (46s)	.44	64	128
2/20s crossbred (50s)	.48	60	120
2/20s crossbred (56s)	.54	60	111
2/48s crossbred (58s)	.65	53	99
1/60s Botany super (64s)	.72	50	93
2/60s crossbred (70s)	.77	48	90
2/48s twist (64s)	.82	51	87
2/40s medium mohair	.84	50	86
1/30s super mohair	1.16	43	73

The irregularity of rates and preponderance of duty on low-priced materials, with which we have become familiar, are illustrated again by the application of the Hill and Payne rates on these worsted yarns. The list fails to show the full extent of the irregularity, however, because it does not include the low-priced carded woolen yarns made of mixtures of wool and by-products.

TARIFF ON CLOTHS.

The Hill bill imposes a compound duty on cloths, knit goods, and felts. The specific rate is 25 cents per pound on goods valued at not more than 40 cents per pound, and 26 cents on goods valued at more than 40 cents. The ad valorem rates are graduated according to value as follows:

	Per cent ad valorem.
Not over 40 cents	30
40 to 60 cents	35
60 to 80 cents	40
80 cents to $1	45
$1 to $1.50	50
Over $1.50	55

These rates, so far as they apply to felts and knit goods, are not in accordance with the report of the Tariff Board, for the board made no report on these goods. The limitation of the specific rates to the wool contained in the goods is, in the case of cloths as well as yarn, in disregard of the opinions of the Tariff Board, page 626:

"Goods made with a cotton warp and wool weft may be easily recognized and rated; but it frequently happens that both warp and weft contain more or less of cheaper materials. There are, of course, well known and simple tests for discovering the cotton content of a fabric, but their application to imported cloths in the customhouse would involve considerable difficulties. Moreover, there is no test known that will disclose the proportion of noils, shoddy, mungo, etc., to new wool in many varieties of fabrics. Difficulties of this kind, however, could be partly overcome by graduating the compensatory duty according to the value of the fabric."

The Hill bill evidently contemplated confining the specific duty to the wool fiber in a fabric, regardless of whether the fiber was new wool, wool by-products, or reclaimed wool. The 25-cent rate on goods valued at not more than 40 cents per pound is but a pretense of accepting the graduated compensatory duty recommended by the board, because the reduction of 1 cent a pound from the regular rate is negligible, so far as the professed object is concerned.

The sliding scale of ad valorem duties is in accordance with the recommendation of the Tariff Board. We have seen that this recommendation is based on a false assumption regarding the proportionate cost of manufacturing goods of different values. If 55 per cent ad valorem is required for protection on goods valued at more than $1.50 per pound, that rate is necessary on goods valued at less than $1.50 per pound.

In order to illustrate the operation of the Hill rates on different grades of cloths and to afford a comparison with the Payne rates, I have calculated the ad valorem equivalent of the Hill and Payne rates for 34 fabrics, 17 of which are taken from the report, pages 660, 704, and 705:

Ad valorem equivalent of the Hill and Payne rates for 34 fabrics.

Name.	Value per pound.	Per cent wool.	Ad valorem equivalent.	
			Hill.	Payne.
			Per cent.	*Per cent.*
No. 14	$0.35	.....	101	144
E 382	.428	80	83	153
E 24	.47	.....	90	143
A 207	.516	67	69	135
A 220	.571	14	41	127
E 15	.566	.....	81	145
A 96	.597	46	55	124
A 560	.638	47	59	113
A 561	.656	50	60	111
A 562	.663	52½	61	110
A 563	.84	51	61	102
A 25	.88	.....	75	106
608	.80	.....	73	110
C 96	.955	.....	72	101
E 119	.993	.....	71	99
A 566	1.015	68	67	98
A 211	1.05	.....	75	97
D E	1.07	.....	74	96
A 412	1.214	61	63	91
E 55	1.28	61	62	91
D	1.295	.....	70	88
E	1.404	.....	69	87
F	1.419	.....	68	86

Ad valorem equivalent of the Hill and Payne rates for 34 fabrics—Contd.

Name.	Value per pound.	Per cent wool.	Ad valorem equivalent.	
			Hill.	Payne.
			Per cent.	*Per cent.*
M	$1.444		68	85
B	1.448		68	85
N	1.496		67	84
G	1.557		72	83
A	1.587		71	82
K	1.587		71	82
I	1.611		71	82
J	1.685		70	81
H	1.823		69	79
C	1.896		69	78
L	1.99		68	78

The limitation of the Hill specific duty to the wool content of the cloth has resulted in a marked decrease of the ad valorem equivalents on the 11 fabrics containing cotton. The list, however, exhibits the same general features that were evident in the case of partly manufactured goods, namely, wide variations and the highest rates on goods of the lowest price, these being the results of the flat specific rate. These 34 fabrics do not include samples of that important class of low-priced goods made of mixtures of wool and wool by-products. On such goods the full Hill specific rate would apply and, by reason of the low valuation and excess of the compensatory duty, ad valorem equivalents higher than any shown in the above list would be the result. The Hill tariff on blankets is based on a system of compound duties similar to those on cloths, so the criticism of the latter applies equally well to the former.

CARPET WOOL.

The Hill bill provides for a specific duty of 7 cents a pound on carpet wool imported in the grease, and 19 cents if imported scoured. We have already applied this rate—7 cents—to the carpet wools grown throughout the world, and that application will illustrate the effect of the Hill rate on carpet wool. These wools are light shrinking, so the effect of the Hill rate on carpet wool of 19 cents a pound scoured would be to prohibit the importation of such wool in the scoured condition. The bill also provides that 99 per cent of the duty on carpet wool shall be refunded to the producer who uses such wools in the manufacture of carpets, rugs, and similar goods, the intention being to give the carpet manufacturers free wool. The bill provides that:

"Such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe."

This drawback provision would certainly be impossible of administration. It is impossible for any manufacturer to trace the wool through the mill and give proof that it has been converted into certain goods. Moreover, there are mills making carpet yarn for sale. How could the wool in such yarn be traced from spinner to dealer, from dealer to dealer, and from dealer or spinner to the weaver, and then through the weaving mill where it becomes inextricably mixed with other materials, wool, linen, hemp, jute, cotton? Again there are spinners making yarn from both carpet and other wools, which would add a new element of uncertainty to a task already impossible. Part of a lot of yarn may be converted into carpets and rugs and the remainder be held indefinitely in the form of yarn. And the by-products, how are these to be traced to their final destination in a carpet or into cloth for other purposes? This drawback plan to give the carpet manufacturer free wool does not deserve serious consideration.

CARPETS AND RUGS.

The Hill bill provides for rugs an ad valorem duty of 50 per cent; for carpets, 30 per cent. These rates are in disregard of the recommendation of the President and the Tariff Board that ad valorem rates, increasing as the value increases, should be adopted in order to provide adequate protection for the supposed higher proportionate cost of manufacturing high-priced goods. And these straight ad valorem rates, according to the evidence I have submitted, are the best form of a tariff on wool goods, whether the object is to provide compensation for a duty on the raw material or protection against a lower cost of manufacturing abroad.

In order to compare the Hill and Payne rates I have calculated the ad valorem equivalents on five grades of English carpets, with the results following:

Grade.	Price per yard, 27 inches wide.	Ad valorem equivalent.	
		Hill.	Payne.
		Per cent.	*Per cent.*
A 417 tapestry Brussels	$0.30	30	110
A 416 tapestry Brussels	.50	30	82
A 415 stout Brussels	.60	30	95
A 414 best Brussels	.90	30	77
A 413 super Wilton	1.40	30	72

The irregularity of the Payne rates, with the highest duty on the lowest-priced goods, are features of the Payne equivalents, the effect of the specific duties per square yard, whereas the Hill rates are uniform, bearing equally on all grades in proportion to their respective values.

In conclusion I desire to express my keen regret at having found the statements of fact in the report deficient and the conclusions generally erroneous. The Tariff Board's work on Schedule K may, nevertheless, serve a useful purpose by awakening interest in a question of great importance, provided the real character of the investigation is clearly understood.

BOSTON, MASS., *April 27, 1912.*

Mr. NELSON. Mr. President, I desire to make a brief statement before voting upon the conference report. When the Payne-Aldrich bill was under consideration here in the Senate, I felt that one of the most grievous mistakes made in connection with that legislation was in omitting to revise and to reduce the woolen schedule. I privately importuned my friends in the Senate to the right and to the left to permit us to make a reduction of that schedule, but, as we all know, we were unable to effect a reduction. A year ago when the bill of the Senator from Wisconsin [Mr. LA FOLLETTE] was under consideration, if my memory serves me aright, I voted for his bill in the first instance. I think the ad valorem rate, if I remember rightly, on wool provided by that bill was 35 per cent. I will ask the Senator if I am not correct that that was the rate as the bill originally passed?

Mr. LA FOLLETTE. As the bill passed the Senate the ad valorem rate on wool was 35 per cent. The Senator from Minnesota is correct in that.

Mr. NELSON. That is my recollection. I voted for the bill in that form, but when the conference report came in reducing the rate, as it does at this time, I voted against it because I thought the reduction was too great. When the bill was under consideration at the present session of the Senate I voted for the amendment proposed by the Senator from Iowa [Mr. CUMMINS]. I voted for it for two reasons: First, because I believed it was based on the correct principle; that is, the principle of specific duties as opposed to ad valorem duties. In the next place I felt that it effected a reasonable and just reduction. When that amendment failed I voted for the amendment proposed by the Senator from Pennsylvania [Mr. PENROSE]. I voted for that amendment because I felt that it was based on the right principle, although I did not think it made as great a reduction as it ought to have made. If I could secure legislation to suit me I would have such legislation as that proposed by the Senator from Iowa. That, to my mind, provided a fair and just reduction and it was based on the correct principle. I will not enter into any extensive argument, but, in my opinion, the great vice of the plan proposed by the Senator from Wisconsin is that the duties are based upon the value of the wool, and the value of wool is affected and goes up and down with the price in the foreign market. In round numbers, about one-third of the wool used in this country is imported, and the price of that imported wool, to a large extent, governs the price of our domestic wool. As that price goes up and down, as it ebbs and flows, so will this ad valorem duty ebb and flow, and there will be no certainty in it as there would be if a specific duty were provided.

I do not care to go into any further argument on this point. These are my views. While I am strongly in favor of reducing the wool tariff, I can not vote for this conference report, first, because I believe it is founded on a bad principle; that is, on the principle of ad valorem duties as against specific duties; and, in the next place, the reduction provided is too great, and it is unjust and unfair to the farmers and wool raisers of this country.

Mr. TOWNSEND. Mr. President, the Senator from Minnesota [Mr. NELSON] has expressed the views that I was going to express in the Senate much better than I can. I feel, however, that I should like to go on record as stating practically the same thing that he has stated, and that I voted, as he did, for the Cummins amendment and also for the committee amendment. I voted for the Cummins amendment because I believed it represented the most careful, conscientious, and scientific review of this subject that has been presented since the enactment of the Payne-Aldrich bill. It occurred to me that we could adopt that provision and be in harmony with the report of the Tariff Board; not that I am particular about being in harmony with it, but because it occurs to me that that is the clearest and best determination of the facts upon which to base a revision that could be, or at least that has been, presented to Congress. It is for this reason that I shall vote against the conference report; and I am sorry that the Cummins amendment could not have been the measure presented to the Senate.

Mr. McCUMBER. Mr. President, my own view of the matter as it now stands before the Senate is that the reduction is below the protective point, and I shall vote against it for that reason.

There is another view that has not been fully expressed here in reference to ad valorem duties. It has already been suggested that under such a system the duty will rise as the wool advances in value, and that it will fall as the wool decreases in value. Mr. President, if the producers of wool need any protection they need it at the time when wool is the lowest in value, and at that time under an ad valorem system they will receive the least amount of protection. If there is any time when they do not need protection, it is when the price of wool is highest, and at that time under an ad valorem duty they will receive

the greatest protection. Therefore, measuring the bill by the standard of what is necessary as a protective measure, it seems to me to be an unscientific method of levying a tariff.

Mr. PENROSE. Mr. President, I recognize the pressure on the time of the Senate, and do not myself want to enter into any debate or to do anything to provoke debate. I ask unanimous consent, therefore, to have printed in the RECORD certain passages from the report of the Tariff Board bearing on ad valorem rates, the recommendation of the Secretary of the Treasury in his last annual report, and some data which I have compiled bearing on the question of specific and ad valorem rates.

The PRESIDENT pro tempore. The Senate has heard the request of the Senator from Pennsylvania that the papers indicated by him may be printed in the RECORD without being read. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

In the article "Zölle, Zollwesen," by Max von Heckel, in the latest edition of Conrad's "Handwörterbuch des Staatswissenschaften," it is held that the technical accomplishment of the assessment of duties according to the value of the merchandise is attended only with greatest difficulty. The declarations of the persons responsible are not always reliable, and the customs authorities are only seldom able to correct their deficiencies. The regulations and other precautionary measures promulgated are, as a rule, ineffective. Specific duties are easier, simpler, and cheaper to collect, cause less burden on commerce, less drudgery and litigation, give less inducement to frauds, and can be easily collected at a great many customs stations.

Say's "Dictionnaire des Finances" states under the caption "Droits ad valorem":

"For the application of a specific tariff nothing is easier than the weighing of merchandise, the gauging of casks, the counting of the heads of a flock. But it is altogether another thing to set the value of a product. The authors of the treaty of 1860 and of later agreements took such good account of this difficulty that in instituting the valuation for determining the disputes which arise between customs and commerce they stipulated that wrong valuations declared by experts would not warrant penalties when they amounted to less than 10 per cent. They admitted, also, that there are men who manufacture and sell goods who might make errors in their calculations of 10 per cent. What can be expected of a mere fiscal agent whose ability is necessarily less extensive?

"The experience which the French customs service had with *ad valorem tariffs* from 1860 to 1880 demonstrated that this system, while it is seductive in theory, is unsatisfactory in practice. More than any other system it encourages frauds because of the difficulty of recognizing inaccuracies in declarations. It robs the treasury, which is deprived of a part of the customs dues; it causes injury to honest merchants, whom it involves in litigation, and tends to dishonest competition on the part of unscrupulous traders. It is only advantageous to the fraudulently inclined."

Under the heading "Ad valorem duty," Palgrave's Dictionary of Political Economy says:

"At first sight this form of taxation appears the more equitable one. In practice, however, customs duties ad valorem have been found to work out with great inequality and also to be inconvenient to levy, for various reasons, among which are the following: (1) The difficulty of ascertaining correctly the values of the goods charged with the duty; (2) the opening to fraud; (3) the delay and hindrances caused to importers and others. In theory it might be supposed that ad valorem taxes on all commodities would not affect their relative values, but it has been maintained that, owing to the different proportions in which fixed and circulating capitals enter into their cost of production, this would not be so. Thus J. S. Mill remarks (Principles of Pol. Econ., book 5, ch. 4, sec. 1) that in case of an ad valorem duty on all commodities exactly in proportion to their value there would be a disturbance of value owing to 'the different durability of the capital employed in different occupations.' * * * At the present date ad valorem duties as such are practically unknown to the British fiscal system; the wine duties levied differently on different classes of wine approach them."

British parliamentary investigations made in 1851 and 1852 resulted in committee reports favoring specific duties and showing the disadvantages of ad valorem duties.

Prof. E. J. James, writing on "Customs duties," in Lalor's Cyclopedia of Political Science, Political Economy, and the Political History of the United States, says:

"Duties ad valorem seem to be the best on account of their inherent fairness, and probably no other kind would ever have been imposed if it had not been for the many difficulties in the way of collecting ad valorem dues. The greatest obstacle in the way of collecting duties ad valorem is, naturally enough, the impossibility of arriving at a proper valuation of the goods to be taxed."

Prof. James also says:

"It can easily be seen how many opportunities there are for fraud; how easily, on the one hand, the Government may lose enormous sums by the carelessness or venality of its officers; how easily, on the other, commerce may be impeded or destroyed by the arbitrariness of the officials. The United States Government loses enormouns sums every year by undervaluation. In the case of silk goods it is estimated that the Government loses from 15 to 20 per cent on account of undervaluation, in spite of the most earnest efforts to prevent it. But worse than this loss is the delivering over of trade and commerce to the mercy of a set of officials. To leave an opportunity of arbitrary interference on the part of officials is to introduce into commerce an element which can never be estimated. Even the storms and winds of ocean may be subjected to an estimate of probabilities, but the whims of bureaucracy defy all attempts at computation. This uncertainty bears hardest on the small importer, for if he gets into trouble with the customs officials he has neither time nor money to carry on the contest. He must make a compromise immediately or be ruined. As a result the man of small capital must disappear from the ranks of importers, as he has, in fact, disappeared in America. There is another objection to the system of ad valorem duties. It prevents even the wholesale dealer from taking full advantage of the fluctuations of trade, for the duties must be paid according to the ruling market price; and even if a merchant has purchased a lot of goods at favorable prices, he must pay just as much duty as if he had paid the ordinary price, and he is thus deprived of a part of his gain. In this manner the very foundation of all healthful trade is constantly undermined. If we add to these points two other considerations we shall readily understand why ad valorem duties are gradually disappearing from the tariffs of civilized nations. The first of these is that we need officials of a much higher grade to administer a system of duties ad valorem than to administer a system of specific duties, and that they must consequently be paid higher wages. The second is that as the vigor of a system of ad valorem duties depends more completely on the administration, there is always danger that the customhouses of the various cities will vie with each other in leniency in order to attract trade from one port to another. Some charges of this sort have been made in our own country by the officials of one city against those of another. If we now turn our attention to specific duties, we find that they are free from many of the objections to duties ad valorem. They are easily administered, offer less chance for frauds, require less skill on the part of the officials, and are therefore cheaper and more lucrative."

In 1888 the Committee on Finance, in its report on the Mills bill, said, with reference to ad valorem and specific duties:

"The feature of the bill which most clearly indicates its purpose is the proposed substitution of ad valorem for specific duties. This substitution could have no other result than to change rates now protective for others which would not protect. The promoters of this bill must have been familiar with the testimony submitted to Congress by Secretary Manning, disclosing enormous frauds upon the revenue and honest merchants through the use of ad valorem rates. The frequency and notoriety of these frauds and the widespread demoralization resulting from them should have prevented any attempts to extend the system.

"The use of ad valorem rates has been condemned by the experience of every commercial nation in the world, by the judgment of those who have been intrusted with the responsibility of customs administration, and by honest importers and merchants, as well as by intelligent political economists and legislators of every shade of economic belief. The reasons for this general and sweeping condemnation are obvious; ad valorem rates are equally unsatisfactory and uncertain whether levied for revenue or for protective purposes; duties based on foreign-market value are, even under the most favorable circumstances, with honesty of purpose on the part of the importer and the highest degree of knowledge and unquestioned integrity on the part of the appraising officers, necessarily uncertain and unequal; but when, as now, many foreign importers deem the successful evasion of our revenue laws by unscrupulous methods the highest evidence of business capacity, ad valorem rates fail lamentably of their purpose. They greatly exaggerate variations in foreign prices. When business is depressed and foreign prices are abnormally low, when foreign competition is most to be dreaded, and when a defensive barrier is most needed by domestic producers, then ad valorem rates are lowest, protection is reduced, and depression is intensified. On the other hand, when foreign values are highest rates are highest and restriction enlarges into prohibition.

"If it is desirable that a sliding scale of duties should be adopted, rates should increase as foreign prices diminish. Ad valorem rates afford facilities for the grossest frauds upon the revenue; through undervaluations they invite evasions of the law and reward dishonest importers, while they destroy the business alike of honest importers and of domestic manufacturers. The foreign manufacturer practically fixes the duty which he is willing to pay, and in many cases the only limitation upon the amount of foreign importations is the extent to which the fear of detection influences the persons who make the invoices. The evils which flow from ad valorem rates are so great and so manifest that this plan of collecting duties has no advocates but professional and political revenue reformers and dishonest consignors.

"In illustration of the effect of the House bill to increase importations and break down domestic producers, we cite the application of ad valorem rates to the manufacture of fine cotton cloths. The specific rates now levied upon cotton cloths furnish no reasonable grounds for adverse criticism, either by the producers or consumers of cotton manufactures. The inevitable effect of the substitution would be to largely increase the importation of all the finer and more expensive classes of these goods, and to produce disorganization and depression in this important industry. The uniform rate of 40 per cent proposed bears very unevenly upon the various grades of goods. It would be, if collected upon an honest valuation, protective upon the coarser and commoner kinds, which are largely consumed by all classes of our people, but it would encourage the importation without restraint of those fine fabrics which may be properly designated as luxuries.

"The leading cotton manufacturers of the country joined in an emphatic protest to the framers of the bill against the adoption of ad valorem rates, and submitted the following strong statement of their objections to the system:

"'While the ad valorem method seems to theoretically have the merits of simplicity and equity, it is in practice found to be unreliable, a prolific source of undervaluation, false invoicing, and false oaths, and a premium upon commercial dishonesty, and to tend toward a transfer of legitimate business from honorable importers to the most irresponsible and unscrupulous class of foreign traders. A reference to the records of revenue from the customs department and the United States courts, or inquiry among importing houses, will convince you, it is believed, of the truth of the foregoing assertion, and that the gravity of the danger inherent from the ad valorem system is not exaggerated.

"'It is therefore thought to be proper to call your attention to this proposition of the adoption of ad valorem rates pure and simple, and to urge in the strongest manner that no such backward step be taken, however enticing it may appear theoretically, but that the ad valorem rates be used only where the specific form is inapplicable, or to supplement the latter in order to better equalize rates, as it is wisely applied in the present tariff.

"'While no classification of cotton cloths can be equitable, and discrepancies will from time to time appear and disappear, consequent on changes in processes and the fickleness of fashion, these inequalities are found in practice under the specific form to be so inconsiderable in amount as to have but an insignificant bearing upon the principle and a trifling effect upon the revenue or volume of business, and any objection based upon such inequalities would be found to be imaginary rather than real.'

"The proposal to apply this principle to all manufactures of wool would be equally unsatisfactory and destructive. The rate proposed in the woolen schedule would prevent importation of the low grades of flannels, blankets, and hats of wool, and all low and medium grades of cassimeres and other cloths which enter into the clothing of the great mass of our people, but would be insufficient upon all the

finer classes of dress goods and cloths for men's wear. All the articles in both these schedules which could be classed as necessaries of life, and which are worn by our working men and women, would be protected by the rates proposed to the extent of exclusion of the foreign article, while upon all the finer and more expensive products, which are in the nature of luxuries and purchased largely by the rich, the rates would place no restraint upon importations and would furnish no protection to the American producer.

"Specific duties have been advocated by all our Secretaries of the Treasury, with one notable exception, Mr. Robert J. Walker, from Hamilton to the present incumbent of the office. The opinions of these officers are given in Appendix A. All the leading statesmen and financiers of Europe and all acknowledged authorities on taxation on either side of the Atlantic have advocated specific duties. They have been commended by all the principal administrative officers of customs, by the leading merchants, and by the chambers of commerce in all of our large cities for their simplicity and certainty in execution. No expert knowledge is required for their enforcement by customs officials, as the articles upon which they are levied have only to be counted, weighed, or measured. While specific duties are less liable to evasion and are certain and uniform in their operations, giving greater stability to the revenues, they also have the beneficial tendency to exclude from the country inferior, adulterated, and worthless goods.

APPENDIX A.

SPECIFIC DUTIES.

In 1795 Secretary Hamilton reports to the House of Representatives that, by existing laws, about one-third of the duties was derived from articles rated ad valorem, and adds:

"In other nations, where this branch of revenue, as with us, is of principal or very considerable consequence, and where no peculiarity of situation has tended to keep the duty low, experience has led to contract more and more the number of articles rated ad valorem, and, of course, to extend the number of those rated specifically—that is, according to weight, measure, or other rules of quantity. The reason of this is obvious; it is to guard against evasions, which infallibly happens in a greater or less degree when duties are high. * * * It is needless to repeat that this will contribute as much to the interest of the fair trader as to that of the revenue.

"It is believed that in our system the method of rating ad valorem could, with convenience, be brought within a much narrower compass, and it is evident that to do so will contribute materially to the security of the revenue." (American State Papers, Finance, vol. 1, p. 348.)

Secretary Gallatin, reporting to the Senate in 1801, said:

"In order to guard as far as possible against the value of goods being underrated in the invoices, it would be eligible to lay specific duties on all such articles now paying duties ad valorem as may be susceptible of that alteration." (American State Papers, Finance, vol. 1, p. 702.)

Secretary Dallas, reporting to the House of Representatives in 1816, says:

"Articles imported to a great amount should rather be charged with specific duties upon their weight and measure, in order to guard against evasions and frauds, than with ad valorem duties on their value.' (American State Papers, Finance, vol. 3, p. 91.)

Secretary Crawford, in 1817, in the report concerning revision of the revenue laws already referred to, calls attention to the subject of frauds, particularly in the importation of articles upon consignment paying ad valorem duties, and recommends a series of remedial provisions, which are mainly applicable to importations subjected to ad valorem duty, to which he adds:

"Whatever may be the reliance which ought to be placed in the efficacy of the foregoing provisions, it is certainly prudent to diminish as far as practicable the list of articles paying ad valorem duties," and submits a list of 124 enumerations to be transferred to the class of specifics. In 1819 he submitted a further list. (American State papers, Finance, vol. 3, pp. 236, 415.)

Secretary Meredith, in his report of December 3, 1849, says:

"I propose a return to the system of specific duties on articles on which they can be conveniently laid. The effects of the present ad valorem system are twofold, viz, on the revenue and on our own productions. Experience has, I think, demonstrated that, looking exclusively to the revenue, a specific duty is more easily assessed, more favorable to commerce, more equal, and less exposed to frauds than any other system. Of course such a duty is not laid without reference to the average cost of the commodity. This system obviates the difficulties and controversies which attend an appraisement of the foreign market value of each invoice, and it imposes an equal duty on equal quantities of the same commodity. Under the ad valorem system goods of the same kind and quality, and between which there can not be a difference in value in the same market at any given time, nevertheless may often pay different amounts of duty. Thus the hazards of trade are unnecessarily increased.

"To levy an ad valorem duty on foreign valuation equably at the different ports is believed to be impossible. That the standard of value at any two ports is precisely the same at any given time is wholly improbable. The facilities afforded to frauds upon the revenue are very great, and it is apprehended that such frauds have been and are habitually and extensively practiced. The statements annexed (marked O), to which I invite special attention, exhibit in a strong light the dangers to which this system is necessarily exposed.

"As the standard of value at every port must at last depend upon the average of the invoices that are passed there, every successful attempt at undervaluation renders more easy all that follow it. The consequences are, not only that the revenue suffers, that a certain sum is in effect annually given by the public among dishonest importers as a premium for their dishonesty, but that fair American importers may be gradually driven out of the business and their places supplied by unknown and unscrupulous foreign adventurers."

The adoption of specific duties has been uniformly favored by the executive officer of the Government and has been specially recommended by a number of the Secretaries of the Treasury in recent years.

Secretary Bristow, in his annual report for 1876, in commenting upon the administration of the customs revenues, said:

"Another remedy, and the most effective which could be adopted for correcting the evils of the appraisement system, is the substitution, so far as practicable, of specific for ad valorem duties. This change would work a great reduction in the amount of labor requiring the knowledge of experts. The entire process of ascertaining duties would be more simple, certain, and safe. Opportunities for collusive undervaluation would be greatly lessened, and if errors were committed they could not, as to specific rates and amounts, be accounted for except upon the supposition of culpable negligence or actual fraud, whereas, in respect to ad valorem duties, an error of judgment may readily be assigned as a sufficient explanation.

"Such change, either with or without a decrease in the number of dutiable articles, would insure a very considerable reduction of the force at the chief ports, with a consequent diminution of expenses."

Secretary Sherman, in his report to Congress for 1878, made the following suggestions with respect to specific duties:

"While not recommending a general revision of the tariff at the present time, it is deemed important that upon some articles the ad valorem duties now assessed should be converted into specific duties. As a rule, specific duties are to be preferred to either ad valorem or compound rates, and in any future revision of the tariff it is hoped that Congress will give preference to this system of imposing duties as far as practicable. The argument in favor of specific duties applies with great force to kid gloves, concerning the value of which, under the present ad valorem duties, serious differences of opinion have occurred between the importers and the Government during the past year, which have led to protracted delays in the ascertainment of the dutiable value, and consequent injury to the mercantile community."

In his report on the collection of duties for 1885 the late Secretary Manning said:

"In a system of ad valorem rates there are two critical points: One is dutiable value and the other is rate of duty. The present rate of duty on certain silk goods is 50 per cent of the market value at the time of exportation in the principal markets of the country, or what is equivalent to one-half of the importation. If the law were so administered by the Treasury Department that on the importation of one importer 50 per cent was levied, and on the importation of another importer 40 per cent, and on that of another importer 30 per cent, there would be a general outcry. So there would be if an importer at New York was required to pay only 30 per cent and if of another at Buffalo was demanded 40 per cent and of another at Chicago was required 50 per cent. But none the less illegal and intolerable result would follow if the dutiable value on one importation were fixed at $100, on another, by the same vessel, at $80, and on another, by the same vessel, at $60, the merchandise in all of the three being similar. If importers can illegally control dutiable values, they can control the amount of duties paid on the merchandise, although the ad valorem rate may be fixed and uniform for everybody and every port in the country.

* * * * * * *

"I do not make a recommendation to Congress for the restoration of the 'old moiety system' and the statutory inducement to informers, or the law concerning intent and burden of proof, which existed from 1799 to 1874. And I do not so recommend for the reason that the purpose of the House and Senate, in respect to the simplification of the rates of duty and a prudent enlargement of the application of specific rates, is necessarily unknown. Should some such last-named change be not made, I have little faith that the existing power of the Executive and of the courts will be adequate to secure honest invoices and full appraisement.

* * * * * * *

"The following extracts from the report of Mr. Forward, made nearly half a century ago, are instructive now, by way of showing his appreciation of the relation between ad valorem and specific rates, and the light in which foreign manufacturers sending their goods to this country on consignment were then regarded:

"'With a view to guard the revenue against fraudulent undervaluations which can not be entirely prevented by the existing scheme of ad valorem duties, specific duties are proposed in nearly all cases when practicable. The operation of the system of specific duties may not be perfectly equal in all cases in respect to the value of the articles included under it, but this inconvenience is more than compensated by the security of the revenue against evasions and by the tendency of specific duties to exclude worthless and inferior articles, by which purchasers and consumers are often imposed on.'

* * * * * * *

"One advantage, and perhaps the chief advantage, of a specific over an ad valorem system is in the fact that under the former duties are levied by a positive test, which can be applied by our officers while the merchandise is in the possession of the Government, and according to a standard which is altogether national and domestic. That would be partially true of an ad valorem system levied upon 'home value,' but there are constitutional impediments in the way of such a system which appear to be insuperable. But under an ad valorem system the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away, and under circumstances most unfavorable to the administration of justice."

The present Secretary of the Treasury, in that portion of his last annual report relating to the administration of the customs laws, used the following language:

"Whatever the rates of customs taxation may be, the laws for the collection of the same should be made as efficient as possible. In this the bona fide importer, who wishes to gain only the legitimate profits of his business, the home manufacturer, and laborer are equally interested. They all have a right to demand that the laws be so administered as to give them every possible protection in their business. The high ad valorem tariff of the last quarter of a century has been the fruitful cause of devices to gain improper advantage at the customhouse. It is therefore desirable that in revising and reducing rates of duty they should be made specific instead of ad valorem, so far as the nature of the merchandise will admit. Theoretically considered, ad valorem are preferable to specific duties, but in practice, under such rates as we have had and must continue to have for years to come, the former are the too easy source of deception and inequality at the customhouse. Congress has it in its power to change from time to time, as may be advisable, specific rates, so as to meet any permanent changes in values."

—

In his report of December 4, 1911, Secretary MacVeagh likewise says:

AD VALOREM AND SPECIFIC DUTIES.

"The experience of the Treasury Department in administering the tariff laws brings to all who share this experience the most positive conviction that tariff legislation should adopt the policy of establishing specific duties instead of ad valorem duties wherever the nature of the article involved makes that a possibility. The practice of adopting ad valorem duties adds to the ease and quickness with which legislation may be prepared; but that is its only helpful quality—and that lonely quality has its palpable drawbacks. Ad valorem duties lead directly to the great majority of all the frauds upon the revenues with which

the Treasury Department has to contend; and they do all they can to drive honest importers out of business. They add exceedingly to the expense and responsibility of administration and are responsible in largest measure for whatever demoralization exists in the importing appeal, but in practice they are a delusion and a snare."

The Tariff Board in its report on Schedule K discusses the objections to the present system of levying duties. On page 394, it says:

"The economic objection to an ad valorem duty on wool arises from the fact that the amount of duty paid, since it fluctuates with the foreign value of the commodity, would not be adjusted to the needs of the Government, of the consumer, nor of the American woolgrower. A speculative change in the market which increased the price of wool would automatically lead to an increase in the amount of duty at the very time that the manufacturer is most hampered by the existing high price, when the consumer most needs relief, and the woolgrower is most prosperous. On the other hand, a fall in price brings a reduction of duty at a time when the woolgrower is at greatest disadvantage and when manufacturers can best afford to pay the tax.

"The tendency of sheep breeding all over the world is toward crossbreds, and the advocates of ad valorem wool duties have complained that under the present system of specific duties crossbreds can be imported more favorably than merinos, and that when the market for crossbreds declines the advantage in favor of the crossbreds is still further increased. During the season 1906–7, which was a normal one, the specific duty on South American crossbreds, taking into account the prices then prevailing in the foreign markets, was equivalent to an ad valorem rate of about 43–45 per cent. In the following season, 1907–8, including the time of the financial panic prices abroad declined steadily, so that in May, 1908, the specific duty on the same grade of crossbred wool was equivalent to an ad valorem rate of 75 per cent. By thus increasing the ad valorem equivalent when foreign prices are low and decreasing it when foreign prices are high the specific duty automatically protects American woolgrowers against declines in the wool markets abroad and at the same time favors the American buyer when the foreign wools increase in value. In the case of drought or other calamity in the American woolgrowing industry and overproduction abroad, or vice versa, the specific duties would have a corrective tendency. Ad valorem duties would act in an entirely contrary manner—decreasing with the decline of values abroad and increasing with the rise of foreign markets, thus tending to throw open the American market to foreign wools in times of depression, when they could least withstand such pressure, and, on the other hand, when there was a scarcity of wool at home and prices soared, it would be impossible to find relief abroad.

"America occupies a unique position among the nations with regard to her woolgrowing and wool manufacturing, having practically no outlet for either in foreign markets. The American woolgrower is entirely dependent upon the home market. If the basic idea of the duty on wools is to give the domestic grower permanent protection, it should remain as uniformly effective as possible under all changes of foreign conditions (shortage, overproduction, etc.). Ad valorem duties would not accomplish this, being ineffective in times of overproduction and low prices abroad, and giving an unnecessarily high protection in times of scarcity and high prices in foreign countries."

Mr. GRONNA. Mr. President, the rates proposed by the conference committee are not what I wish they were—that is, I would prefer a specific duty rather than an ad valorem duty; but when we take the Payne-Aldrich bill and consider the provision for skirted wool, I believe that even this rate is as high, or nearly as high, as it is under the Payne-Aldrich bill so far as it applies to raw wool. For that reason I shall vote for the adoption of the conference report.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. PENROSE] has asked for the yeas and nays on the adoption of the conference report. Is there a second?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a pair with the Senator from Idaho [Mr. HEYBURN]. I transfer that pair to the senior Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Mississippi [Mr. PERCY] and will vote. I vote "yea."

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is absent on account of illness. He is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. THORNTON (when Mr. FOSTER's name was called). I announce the necessary absence of my colleague [Mr. FOSTER], and I ask that this announcement may stand for the day. I will state further that he is paired with the Senator from Wyoming [Mr. WARREN].

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is detained from the Senate.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. The senior Senator from Oregon [Mr. CHAMBERLAIN] stands paired with the junior Senator from Pennsylvania [Mr. OLIVER]. We have arranged for a transfer so that we may both vote. I therefore transfer my pair with the Senator from Mississippi [Mr. PERCY] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SMOOT (when Mr. STEPHENSON's name was called). The Senator from Wisconsin [Mr. STEPHENSON] is out of the city. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. The Senator from Texas [Mr. CULBERSON] has a pair with the Senator from Delaware [Mr. DU PONT]. By arrangement I transfer my pair to the Senator from Delaware [Mr. DU PONT] so that he will stand paired with the Senator from Maryland [Mr. RAYNER]. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], but transfer that pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], but by mutual arrangement that pair has been transferred to the Senator from Idaho [Mr. HEYBURN], and I am therefore at liberty to vote. I vote "nay."

I also desire to say that my colleague [Mr. LIPPITT] is unavoidably absent from the Chamber. He is paired with the Senator from Tennessee [Mr. LEA]. If my colleague were present he would vote "nay."

The roll call was concluded.

Mr. CULBERSON (after having voted in the affirmative). Under the arrangement announced by the Senator from Utah [Mr. SUTHERLAND] I will allow my vote to stand.

Mr. GALLINGER. I am requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. BAILEY. I have now, and have had for quite a time, a pair with the Senator from Montana [Mr. DIXON], and I therefore refrain from voting on this question. In order to save myself and the Senate the trouble of repeating this announcement from time to time, I desire it to answer for all votes until the Senator from Montana returns.

Mr. CHAMBERLAIN. I am requested to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I desire to have this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

The result was announced—yeas 35, nays 28, as follows:

YEAS—35.

Ashurst	Fletcher	Newlands	Smith, S. C.
Bacon	Gronna	Overman	Stone
Bankhead	Johnson, Me.	Pomerene	Swanson
Bristow	Johnston, Ala.	Reed	Thornton
Bryan	Kern	Shively	Tillman
Chamberlain	La Follette	Simmons	Watson
Clapp	Martin, Va.	Smith, Ariz.	Williams
Crawford	Martine, N. J.	Smith, Ga.	Works
Culberson	Myers	Smith, Md.	

NAYS—28.

Borah	Crane	McCumber	Root
Bourne	Cullom	McLean	Sanders
Bradley	Dillingham	Massey	Smith, Mich.
Burnham	Fall	Nelson	Smoot
Burton	Gallinger	Page	Sutherland
Catron	Jones	Penrose	Townsend
Clark, Wyo.	Lodge	Perkins	Wetmore

NOT VOTING—31.

Bailey	Davis	Heyburn	Paynter
Brandegee	Dixon	Hitchcock	Percy
Briggs	du Pont	Kenyon	Poindexter
Brown	Foster	Lea	Rayner
Chilton	Gamble	Lippitt	Richardson
Clarke, Ark.	Gardner	O'Gorman	Stephenson
Cummins	Gore	Oliver	Warren
Curtis	Guggenheim	Owen	

So the conference report was agreed to.

The PRESIDENT pro tempore. The bill stands passed.

LEGISLATIVE APPROPRIATION BILL.

Mr. WARREN. I wish to ask the Senate to take up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 24023).

Mr. McCUMBER. Will not the Senator from Wyoming yield to me to have disposed of the conference report on the pension appropriation bill?

Mr. WARREN. I have nothing to yield, because I have not yet got up the report, but I will do so if the report is taken up.

The PRESIDENT pro tempore. The Senator from Wyoming asks that the Senate now take up for consideration the conference report on what is known as the legislative bill. Is there objection? The Chair hears none. The conference report is before the Senate.

Mr. McCUMBER. Will the Senator from Wyoming yield to me?

Mr. WARREN. For what purpose? I ask the Senator.

Mr. McCUMBER. It is for the purpose of disposing of the conference report on the pension appropriation bill as soon as it is possible to do so.

Mr. WARREN. As the pensioners of this country are to-day without their last quarter's pensions, and there is no money with which to pay them the amounts that were due on the 4th day of this month, I feel I am justified, although I am anxious that the conference report on the legislative bill shall be disposed of, in yielding to the Senator from North Dakota time to present his conference report; and I hope it may proceed as rapidly as the pleasure of the Senate will permit, as it is a very important matter.

Mr. McCUMBER. I am obliged to the Senator from Wyoming.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I present the report I send to the desk.

Mr. SMITH of Georgia. Mr. President, the Senate having taken up the other report by unanimous consent, can it be displaced in this way?

The PRESIDENT pro tempore. The Chair does not understand it is displaced, but the Senate can permit it to be temporarily interrupted for the purpose of considering another matter.

Mr. SMITH of Georgia. But that would also require unanimous consent, would it not?

The PRESIDENT pro tempore. The Chair is of the opinion that it would not. It can be done by a majority vote or when no objection is interposed.

Mr. LODGE. But a conference report is privileged.

The PRESIDENT pro tempore. Unanimous consent is not required to receive a conference report.

Mr. WARREN. The first presentation of a conference report is, under our rules, privileged, and it can be made at any time except during the reading of the Journal.

The PRESIDENT pro tempore. The Senator from Wyoming is correct.

Mr. WARREN. Its consideration afterwards is another matter.

The PRESIDENT pro tempore. The Senator from Wyoming is entirely correct. The only suggestion presented to the Chair was whether the unanimous consent to take up the report for consideration could be displaced, even for an interruption, except by unanimous consent. But the Chair will hold——

Mr. OVERMAN. Are not unanimous consents always made subject to the rules of the Senate?

The PRESIDENT pro tempore. The Chair does not understand a unanimous consent to take up a bill to stand in the same category as a unanimous consent fixing the procedure of the Senate, and that it will after thus taking up a bill continue its consideration until finally disposed of. It is only an acquiescence or consent on the part of the Senate in taking up a bill. But the Chair does not hold that that would prevent the Senate from laying it aside at any time it wishes to do so. It is not in the nature of a unanimous consent which would bind the Senate to consider it until a final vote upon it.

Mr. McCUMBER. I think we can dispose of this report within a very few moments.

The PRESIDENT pro tempore. It is consent to proceed to its consideration, but it is not in the nature of a unanimous consent that binds the Senate to continue its consideration until the matter is disposed of. There is no such provision in the agreement which the Senate made. It was simply to proceed to its consideration. It was not an agreement that it might proceed longer than might suit the pleasure of the Senate.

Mr. SMITH of Georgia. The matter which was before the Senate was the report of a conference committee.

The PRESIDENT pro tempore. Yes.

Mr. SMITH of Georgia. It was certainly as privileged as any other report of a conference committee, and having been taken up by unanimous consent for action——

The PRESIDENT pro tempore. The Senate will please be in order——

Mr. SMITH of Georgia. Surely the chairman in charge of the first conference report would not have authority to consent to displace it and take up another conference report.

The PRESIDENT pro tempore. The Senator from Wyoming could not do anything more than consent to an interruption, and it would then at last depend upon the action of the Senate if there were objection made.

Mr. LODGE. When the unfinished business has once been laid aside temporarily by unanimous consent, any business can be taken up without displacing it.

Mr. BRANDEGEE. They are not talking about the unfinished business.

Mr. LODGE. I know. But as to a conference report, of course, it is privileged. That conference report was under debate. This conference report has never been presented to the Senate.

The PRESIDENT pro tempore. The Chair will hold that the right to present a conference report is a privileged right under the rule.

Mr. LODGE. Of course.

The PRESIDENT pro tempore. Then whether the Senate will proceed to its consideration is a matter always within the control of a majority of the Senate. As to the conflict with the prior consent, the Chair will repeat that the prior consent was simply to take up the matter. It was not a consent which could not be displaced at any time by a majority vote of the Senate. If it had been that the Senate should take up the measure and proceed with its consideration to a final conclusion, then it could not have been displaced; but there was no such agreement on the part of the Senate. It was simply an agreement to proceed to the consideration of it, which the Senate could withdraw at any time it saw fit to do so.

Mr. SMITH of Georgia. I did not mean to suggest a view in any respect different from the ruling of the Chair. I understood that——

The PRESIDENT pro tempore. The Chair will hold that if the question of the consideration of the report presented by the Senator from North Dakota is raised, then that is a matter to be determined by a majority vote of the Senate. If not raised, the Chair will consider it as acquiesced in by the Senate and will proceed to put the question on its adoption.

Mr. McCUMBER. I ask that the report be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In the matter inserted by the Senate strike out the words "$500,000, or so much thereof as may be necessary, to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, and 12, and agree to the same.

The conferees further report that they are unable to agree as to amendments numbered 2, 3, 4, 5, 9, 10, and 11.

P. J. McCUMBER,
HENRY E. BURNHAM,
BENJAMIN F. SHIVELY,
Managers on the part of the Senate.

WILLIAM P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

Mr. McCUMBER. Mr. President, there has been so much discussion of this matter within the last two or three days by the press of the country and the other House that it seems incumbent upon me to make some explanations concerning the delay of the conferees in reaching an agreement up to the present time; and so also some of the charges that have been made with respect to the action of the Senate conferees seem to me also to demand an answer upon my part.

For the past two days there have appeared divers articles in the press purporting to quote from addresses made in the other House in reference to the matter of the disagreement between the two Houses upon the pension appropriation bill. I have not had an opportunity to examine the RECORD, but as portions of these addresses were under quotation, I assume that they were as published.

Taking these addresses as a whole, the comedy of A Midsummer Night's Dream is the soul of seriousness compared with the theatrical display apparent in the charges of discourtesy and contempt made against the Senate conferees, or any member thereof, for refusing to surrender their strong and tenable position that whenever in an appropriation bill any general legislation is sought to be enacted, and the two Houses are unable to agree with respect thereto, such proposed legislation should be eliminated from the appropriation bill and placed on its merits before the Houses in a separate bill. In other words, that a bill whose proper scope is limited to appropriations ought not to be seriously delayed by an attempt to force through as a rider that which the two Houses can not agree upon.

Mr. President, they pay scant compliment to the average intelligence of the great army of Civil War veterans who suppose that the even tenor of their way, political or otherwise, will be changed by blatant buncombe or pseudo sympathy.

These veterans have long since passed the days of childhood, and are still very far from the second childhood of age. Therefore any argument in Congress or out of Congress which deals with them with such shams and pretenses as would scarcely appeal to a child over 10 years of age is an insult to their intelligence.

They are just as capable to-day of discerning friend from foe in the political field as they were on the physical field of battle; and I am certain that the only influence that will be created by any attempt to make political capital out of the inability of the conferees to reach an agreement on the question of the abolition of pension agencies will be a sentiment of disgust at so cheap and puerile an attempt.

Therefore that part of the arguments published in the press and purporting to come from the Representative of a great State which seeks to capitalize soldier sentiment by such arguments as I have mentioned seems to me to be not worthy of any reply, and I shall not dignify it by an attempt to answer it.

There are, however, charges against the conferees of the Senate of disrespectful treatment which should not go unanswered. It is somewhat strange that this disrespectful treatment only impressed one who is not a member of that conference. In justice to the conferees on both sides it is proper for me to say that such a statement is worse than untrue. The relations between the members of the conference committee on both sides have been most cordial and friendly. If failure to surrender a point constitutes contemptuous treatment, then of course each side has treated the other in a contemptuous manner, and that is true of every conference on every appropriation bill, as all have been delayed for the same cause.

Much has been said concerning the cause of delay in the matter of this pension appropriation bill. There has been just one cause of delay, and that is that the Senate conferees and the House conferees have so far not been able to reach an agreement. There are, of course, a number of incidents which have prevented meetings at times, such as the engagement of Senators and Members and other causes of delay in either one House or the other, but they are incidental only.

There has been sufficient time to consider the differences, and they have been considered many times when the conferees were in session together and many times when the conferees of each one of the Houses were separately considering the matter. The one great important cause has been the inability of the conferees to agree. Practically every other appropriation bill is in exactly the same position. The conferees were unable to agree, and resolutions had to be passed making appropriations for the fiscal year until such an agreement could be reached.

The House proposes to change existing law. The Senate proposes to continue the existing law. Each body has a right to its own convictions. The members of the conference on each side are supposed to support the sentiment of their respective Houses on the matter, or, failing in their efforts, then to secure an agreement that will conform as nearly as possible to the expressed desire of the Senate.

The position of the two Houses to-day on the pension appropriation is about this: The House has voted to abolish 17 out of the 18 agencies. The Senate has voted to retain those agencies. The House bases its action upon the ground that a saving can be had to the Government by abolishing these agencies. The Senate bases its stand upon the assumption that no saving would follow, but in the long run that the abolition of all of the agencies would tend to increase the cost of pension administration. The two Houses differ upon this question.

I insist, with this radical difference between the two Houses, if the difference can not be reconciled by the conferees then the House should recede and should not hamper the passage of necessary appropriations, but should take up the matter of changing this law by a bill for that purpose, pass it through the House, and submit on its merits to the Senate.

I have before suggested that if it comes before the Committee on Pensions there will be no question but that we can call a meeting at any time and report it out of the committee and into the Senate, so that it can be acted upon either affirmatively or negatively, and that is the proper way to dispose of it in case the two Houses are unable to come to an agreement.

There need be no delay, and if an appropriation is made covering these agencies and afterwards the agencies should be abolished then the appropriation will not be spent. We should not jeopardize the speedy passage of the appropriations, on which we are all agreed, by insisting upon something upon which we do not agree and as to which up to the present time there has been an irreconcilable difference between the conferees on each side.

Now, Mr. President, this brings me directly to the point whether or not it is proper that we should change these agencies. That matter has been discussed upon this floor, and votes have been had upon it in past Congresses. Let us remember that the work which is now done by these agencies and their clerks must be done by some one; the work has to be done; it can not be left out of consideration in abolishing the agencies. The clerical service and other service that would be required under the agency system will be required here in the city of Washington if a change should be made. The grade of clerks who will be compelled to perform the services here and the grade of those who will oversee the work, the heads of the bureaus or bureau which has it under consideration, will be such that I assume it will cost very nearly as much here as it does at the several agencies. For instance, these agency heads are paid $4,000 annually. We will, of course, cease paying the agents $4,000 each if we abolish the agencies, but some one will have to be paid here for overseeing that character of work. Probably it will be assigned to clerks or officials who are receiving, say, a salary of from $2,000 to $2,500 annually. Then, Mr. President, there would be a saving of from twenty-five to thirty thousand dollars upon that item.

Now, that, in my opinion, would be the only saving, and the saving of some $4,000, I think, in rent; but I am not certain there would be a saving there, because I am inclined to think you would have to rent other buildings here for the extra clerks who would be required.

Now here arises, then, the difference in clerk hire, and my candid belief is that it will cost more than the saving of from twenty-five to thirty thousand dollars. Let us remember that in Washington the average clerk receives from twelve to fourteen hundred dollars per annum, or over $100 per month, with a month on sick leave and a month of vacation. I believe that the average paid to the clerks in these several agencies runs from $50 to $75 per month. Then let us remember that here the clerks cease to work always at half-past 4, and, whether it is the climatic conditions or otherwise, it is well known by everyone that a given number of clerks in a department in the city of Washington never accomplish as much as would the same number of clerks anywhere else in the United States.

I received word from a very important land office in Montana the other day in which it was stated to me, and stated as a positive fact, that 7 clerks were there doing the work that would ordinarily be done by from 15 to 20 clerks in the city of Washington; that they were working until 7 o'clock every evening—sometimes later—and were also working part of Sunday, in order to keep up the work. Now, I place that as against the efficiency of the clerks in the departments in the city of Washington. Thus remembering, Mr. President, that the clerical work will have to be done by clerks somewhere, I believe that the extra cost of doing the work in the city of Washington, upon our strict limitation of hours, will cost us in the long run much more than we could possibly save by abolishing these agencies.

Mr. President, this matter was discussed by the Senate last year. It was most thoroughly discussed, I think, two years ago by the Senator from New Hampshire [Mr. GALLINGER], the Senator from Kansas [Mr. CURTIS], the Senator from Kentucky [Mr. BRADLEY], and by other Senators, and the facts and figures they produced were such as to convince me, and, I believe, to convince the majority of the Members of the Senate, that there would be no economy in the abolition of these agencies.

Mr. WILLIAMS. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. WILLIAMS. I should like to ask the Senator if he can give a list of the States in which these agencies exist?

Mr. McCUMBER. I have not a list here, but I could undoubtedly get it. I would have to send for the report of the Commissioner of Pensions in order to give it. I will state that

the principal places in the West are San Francisco, Milwaukee, Chicago, and Topeka (Kans.). Then there is one in New Hampshire, one in New York, one in Pennsylvania, one in Tennessee, one in Kentucky, one in Georgia, and in a number of other places.

Mr. WILLIAMS. That is the information I desired.

Mr. McCUMBER. There is one in Columbus, Ohio, and one in Detroit, Mich.

Mr. NEWLANDS. May I inquire how many there are in all?

Mr. McCUMBER. There are 18 in all, including the 1 in the city of Washington. The bill as it passed the House would abolish only the 17 outside of this city. I can see no reason for abolishing those outside of the city any more than abolishing the 1 in this city. If they are to be abolished all should be abolished and their duties performed by officials and clerks in the Pension Bureau.

Mr. NEWLANDS. May I inquire what is the total expense of these agencies?

Mr. McCUMBER. I think some seventy-odd thousand dollars—in the neighborhood of that.

Mr. NEWLANDS. The impression prevails on the part of those around me that the expense is between two and three hundred thousand dollars.

Mr. McCUMBER. That can not be established by any kind of reasoning, nor have I ever heard it claimed that it was any such sum. I have heard it stated that there might be a saving of $250,000, but there could not be such a saving. Though the pension agencies were abolished, all the work now performed by the pension agents would have to be performed by others, and such others would have to be paid.

I wish to speak of another thing, and that is the convenience of the soldiers.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. SMITH of Georgia. There are 18 agencies. The head officer of each gets $4,000, does he not?

Mr. McCUMBER. Yes.

Mr. SMITH of Georgia. There is an average of half a dozen clerks at each, running up as high as $1,500 apiece for some of them.

Mr. McCUMBER. I do not think any receive as high a sum as that, but the clerks are very low priced compared with what is paid here. The Senator must remember that if the clerks do not do the work at these agencies other clerks must do the work somewhere else.

Mr. SMITH of Georgia. I wish to ask the Senator one more question. How many of these agencies were established by the President and not by act of Cngress?

Mr. McCUMBER. I think that some three or four were established by act of Congress and the others were established under a law authorizing the President to establish them. I will come to that a little further on.

Mr. OVERMAN. I wish to ask the Senator a question. The amendments upon which the conferees of the two Houses could not agree are amendments Nos. 2, 3, 4, and 5.

Mr. McCUMBER. They all relate to this subject of agencies.

Mr. OVERMAN. The salaries of these agents in amendment numbered 2 amount to $72,000. For clerk hire and other services——

Mr. McCUMBER. I said seventy-odd thousand dollars. I did not have the exact amount before me.

Mr. OVERMAN. The expense at the existing pension agencies, amendment third, is $385,000, and amendment 5, for examination and inspection of pension agencies, is $4,000 more, which would make in the neighborhood of $450,000.

Mr. WILLIAMS. What is the total rental paid at the 17 agencies?

Mr. McCUMBER. There is only one place for which that appropriation is made.

Mr. OVERMAN. In New York for rent $4,000 is paid. Then the inspection is $4,000 more, making $8,000, which, added to $385,000, is $393,000, and with the $72,000 it makes nearly $500,000.

Mr. WILLIAMS. Not for rent?

Mr. OVERMAN. No; for the whole expenditure.

Mr. WILLIAMS. I asked what was the amount paid for rent.

Mr. OVERMAN. For rent of the pension agency at New York, $4,250. That is the only place where rent is included.

Mr. McCUMBER. What I suppose the House would hope to save would be the higher salaries that are paid to the agents. I do not understand that there is any claim that the clerk hire could be materially lessened. I am convinced that the clerk hire here will be considerably more if we abolish the agencies, and the expense will be considerably greater under a system of bringing all here to the city of Washington than under the present system.

I do not desire, Mr. President, to go into a lengthy argument upon that point, because it was argued so fully by Senators some two years ago, but I want to consider for a moment the convenience also of the soldiers. In the large cities there are a great number of old soldiers. Most of those can go directly to the agency and execute their vouchers and obtain their checks the same day.

Mr. OVERMAN. Mr. President——

Mr. McCUMBER. Those who are not so favorably situated, but who are at a convenient distance, can receive their vouchers and their checks very much sooner than they could if mailed from Washington. For instance, if the agent is located at San Francisco and the payment is to be made on the 4th of August from that city and the vouchers are there ready to be signed, the pensioner in that city can sign his voucher at that time and receive his pension the same day, while, if it were mailed from the city of Washington at the same time, on the 4th, he would receive it some considerable time thereafter. In the end I do not think it would make a great deal of difference to those who receive by mail, because the difference between the receipt on one month and on the other after the first adjustment would probably be the same.

The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I do.

Mr. OVERMAN. The Senator has about answered what I was going to ask him. He answered it in his last remark. Under our present system, I understand, all the vouchers are made out here, payable to the pensioner, and instead of being sent direct to the pensioner by mail they are sent to that agent, and that agent remails them.

As I gathered from the information this morning as we had it, the checks get there in the office and stay there in the office while if sent direct to the pensioner from here he would get them just as quickly as they would reach the pension agency. These same vouchers go to the pension agent, and all that he and his clerks have to do is to send them out. Suppose the voucher were sent from Washington to the pensioner in Illinois or South Dakota. It goes directly to him as fast as the mail can carry it. Under the present system it goes to the agency—I suppose in Milwaukee, if that is the nearest agency, and from Milwaukee it is remailed to a pensioner in South Dakota. Therefore it would be bound to get to the pensioner two or three days earlier if sent direct from Washington than if sent under the present system.

Mr. McCUMBER. I think the Senator is not wholly conversant with the system of making these disbursements. If I understand the method correctly, long before the 4th of each month in which a payment is to be made, the vouchers and everything else necessary are in the hands of the pension agent, and the pension agent mails them on the 4th of the month.

Mr. OVERMAN. Does he send the voucher first or send the voucher afterwards?

Mr. McCUMBER. Under the present system the voucher is first sent.

Mr. OVERMAN. It is sent from here?

Mr. McCUMBER. No; the voucher is not sent from here to the pension agency on the 4th day of the month, but the pension agency has the voucher before the 4th day of the month and sends it out on the 4th.

Mr. OVERMAN. I understand that, but——

Mr. McCUMBER. Just a moment. The Senator must easily see that the pension agency issuing the voucher in San Francisco on the 4th day of August will get that voucher in the hands of the claimant sooner than if it were sent on the 4th day of the month from the city of Washington.

Mr. OVERMAN. Now——

Mr. McCUMBER. But, as I said, I do not consider that of vital importance. It might be at first, but after that time the length of time between payments would be practically the same. But I do say there is a convenience to those in the same place, in the large cities, who can go personally to the pension agencies and make out the vouchers and sign them and swear to them there, and in the matter of having corrections made or anything else that may be necessary. The pensioner would lose considerable time by a system that would require it to be sent through the mails, for if there was any error to be corrected it would have to be sent back to him and corrected and resworn to and be sent through the mails again.

I yield to the Senator from North Carolina.

Mr. OVERMAN. As I understand it, everything is done from Washington. The check is made out and signed here and the voucher, I understand, is made out here, and everything is sent

to the pension agency, and all the pensioner does, as I understand it, is to go to the agency and sign the voucher.

Mr. McCUMBER. They are not made out in Washington at all. All the vouchers are in the hands of the agent and the checks are in the hands of the agent. The agency sends out the vouchers. It issues them and sends them out, as I understand, on the 4th day of the month for which the payment is to be made. Then upon the return of the voucher the check is sent out, and it is sent by mail. If the soldier can repair to the agency himself, as he can in a great many cases in a city like Chicago, which has a population considerably more than many of the States and necessarily has a large soldier population, he can get his voucher and his check on the same day and settle the whole matter in a single transaction.

But, Mr. President, there is another reason, which I have urged before, why I believe the system of dealing with the matter through the agencies is far better than to concentrate everything here in the city of Washington. I have claimed before, and I still claim, that it is better for the Government itself if the functions of Government—if the hand of governmental power—can be exercised at different places all over the United States.

It is better as a matter of information, as a matter of bringing the population in close contact with governmental matters, as a matter of creating a patriotic feeling, as a matter of making people feel and know that they are a part of the Government itself. I say, even taking that alone into consideration, even though it may cost a little more, it is really better for the people of the United States that some of the great functions of government should be exercised outside the city of Washington. There are a great many people in the United States who only know of their relation to the General Government and its powers by what they hear of the amount of taxes they pay—nearly a billion dollars a year to support the Government. As to how it is done, under what system, they know but very little, except as to the Post Office Department.

I believe, therefore, first, that the work can be done much more cheaply in the country, that more can be accomplished at the agencies, that the same number of persons will accomplish far more in the matter of work, and will save to the Government a far greater amount than could possibly be saved by abolishing these agencies and performing all the clerical service connected with those agencies in the city of Washington.

I therefore move, Mr. President, that the Senate further insist upon its amendments not agreed to by the conferees, and that the conferees at the further conference be appointed on the part of the Senate by the Chair.

Mr. OVERMAN. As a substitute for that——

The PRESIDING OFFICER. The Chair is informed that the question now pending is on agreeing to the conference report.

Mr. GALLINGER. That is the first question to be disposed of.

Mr. McCUMBER. I believe that would come first, and I therefore withdraw my motion for the present.

Mr. OVERMAN. I desire to make a motion which I think is in order. It is that the Senate recede from amendments No. 2——

Mr. GALLINGER. I suggest to the Senator that the question is first on agreeing to the conference report.

The PRESIDING OFFICER. The Chair understands that the motion the Senator from North Carolina proposes to make is not now in order.

Mr. GALLINGER. Agreeing to the conference report disposes of the amendments which have been agreed to by the conferees.

Mr. OVERMAN. Yes; I have no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BRYAN. Mr. President, I hope that the Senate may recede from its amendments and agree to the bill as it was passed by the House. This matter seems to have been given much consideration in the House. When it came to the Senate it was referred to the committee, reported back, was passed here by a unanimous-consent agreement when but few Senators were present, and it has been in conference for some time.

On the first of this month, during a discussion of this matter, the chairman of the committee, the Senator from North Dakota [Mr. McCUMBER], in answer to a suggestion which I made that the Secretary of the Interior had recommended that these agencies be abolished, stated that he had no knowledge of any recommendation of that character, either by the Secretary of the Interior or by any Commissioner of Pensions. If the Senator had known that, I am sure that this morning he would not have argued that it would cost just as much or perhaps more to consolidate these 17 agencies as to maintain them as they now are. The Secretary of the Interior did make a recommendation that these agencies outside of the District of Columbia be abolished, and he made it upon the report of the Commissioner of Pensions.

Mr. President, it has been recommended to Congress several times by the Interior Department. The last time was in the report of the Secretary of the Interior dated December 10, 1910, as follows:

> From time to time Congress has been asked to abolish or decrease the number of pension agencies in the United States, with a view to economy in the disbursements of pensions.
>
> I recommend that this matter be given careful consideration by Congress, as it appears from the annexed report that in the neighborhood of $200,000 can be saved in the cost of the payment of pensions by the abolishment of all of the agencies.

Then he appends a letter to him from Mr. J. L. Davenport, Commissioner of Pensions, and I ask permission to have inserted, without reading, as a part of my remarks this letter from the Commissioner of Pensions.

Mr. GALLINGER. Before that is done I will ask the Senator if he finds anything in Mr. Davenport's letter that justifies the conclusion that Mr. Davenport has affirmatively advised that these agencies shall be abolished?

Mr. BRYAN. I think he demonstrates here——

Mr. GALLINGER. A day or two ago I had occasion to examine what I think was the last hearing at which Mr. Davenport appeared, and while he did not oppose it, because he is not a man who opposes what Congress wishes to do, this was the concluding sentence in that hearing on the part of Mr. Davenport:

> It is such a radical change in the way of payment that we would have to try it first in Washington and see if it was feasible to work out.

Mr. BRYAN. What is the date of that?

Mr. GALLINGER. That, I think, was a couple of years ago. I have not the hearing before me now, but I had it before me two or three days ago, and I noticed that that was the concluding sentence of Mr. Davenport's statement made to that committee.

Mr. BRYAN. The Senator will find that in his letter he shows there would be a saving of $80,000 if nine were abolished. Then he also makes the statement—

> Should the law be so changed as to abolish the pension-agency service and provide for the payment of pensions through a disbursing officer, under the Commissioner of Pensions, the cost of paying pensions would be as follows:
>
> | | |
> |---|---|
> | Clerk hire | $300,000 |
> | Stationery and other necessary expenses | 20,000 |

Then he says:

> There would be still a further reduction in the cost of printing pension vouchers, etc., which would make a reduction of over * * * $200,000.

Mr. GALLINGER. In what document does the Senator find that—in the last report of the Commissioner of Pensions?

Mr. BRYAN. It is in a House document. I will send it to the Senator's desk.

Mr. GALLINGER. I should like to look at it for a moment.

Mr. BRYAN. Have I permission, Mr. President, to print the letter to which I have referred in the RECORD?

The PRESIDING OFFICER. Without objection, permission is granted to insert the matter referred to by the Senator from Florida.

The letter referred to is as follows:

OCTOBER 4, 1910.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit herewith estimates for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, as follows:

Army and Navy pensions	$153,000,000
Fees and expenses of examining surgeons	200,000
Salaries of 18 pension agents, at $4,000 each	72,000
Clerk hire and other services, pension agencies	385,000
Rent, New York City agency	4,500
Examination and inspection of pension agencies	1,500
Stationery and other necessary expenses of pension agencies	25,000

This estimate is based upon the law as it now stands, providing for 18 pension agencies. If, however, the number of agencies be reduced from 18 to 9, the expense of conducting the agencies would be as follows:

Salaries of 9 pension agents, at $4,000 each	$36,000
Clerk hire	345,000
Stationery and other necessary expenses	25,000
Examination and inspection of pension agencies	1,000

This would make a reduction in the expense of conducting the agencies of $80,000 per annum. Should the law be so changed as to abolish the pension-agency service and provide for the payment of pensions through a disbursing officer, under the Commissioner of Pensions, the cost of paying pensions would be as follows:

Clerk hire	$300,000
Stationery and other necessary expenses	20,000

This would make a reduction in the cost of paying pensions in this one bill of $168,000, as compared with the estimates for the 18 agencies. There would be a still further reduction in the cost of printing pension vouchers, printing pension checks, and in the keeping of records in this bureau which are now necessary under the present system, which would make a reduction (including the $168,000 above mentioned) of over $200,000 in the cost of the payment of pensions.

Very respectfully,

J. L. DAVENPORT, *Commissioner.*

Mr. BRYAN. Mr. President, the Senator from North Dakota was mistaken when he said the Commissioner of Pensions had never recommended that these agencies be abolished. He was mistaken when he said that the Secretary of the Interior had never recommended that they should be abolished. The Secretary of the Interior says from time to time the abolishment of these useless agencies has been recommended to Congress after Congress.

The Senator from North Dakota is also mistaken that there would be no saving, if the figures of the Commissioner of Pensions are to be relied upon. After that statement was made I was so sure that the recommendations had often been made that these useless agencies be abolished, and I was so surprised to hear the chairman of the committee say that he had never heard of such a proposition that I went to the library and got the volumes and placed them under my desk waiting for this matter to come up.

In 1907, in an appropriation act for the payment of invalid and other pensions, a proviso was adopted instructing the Secretary of the Interior to make inquiry and report to Congress whether these agencies ought to be retained or abolished, and in December, 1907, Secretary Garfield recommended that they should be abolished. He takes up the objections to which the Senator from North Dakota refers, the matter of delay in the receipt of the pension vouchers, and says that while there might be some delay of two or three days, yet checks are mailed so as to reach their destinations at a certain time and that could very easily be avoided. If the recommendation of the Secretary of the Interior be followed, that the old out-of-date system of using vouchers be abolished and a system of checks be substituted therefor, there then can be no merit in that contention.

But again he says:

All vouchers now required by pensioners are printed by the Government Printing Office in this city and forwarded to the different pension agents, there to be prepared and mailed to the pensioner with checks for the preceding quarter. All checks now used by the pension agents are likewise printed in this city. A considerable saving would result in the cost of printing vouchers and also in the cost of printing checks if such vouchers and checks were prepared for 1 agency rather than for 18.

But, Mr. President, what seems to be the objection considered to be of most weight by the Senator from North Dakota is that as a matter of patriotism it is better to have these 17 agencies so that the people can swarm around and look at a pension agency and imbibe some knowledge of the affairs of their Government.

The suggestion is also made by the Senator that we would have to rent space here in Washington, but the Secretary of the Interior says there is already space enough and to spare in the building provided for the Bureau of Pensions.

Then, finally, it is submitted that clerks work shorter hours here and are paid more than they are elsewhere. If that be true, Mr. President, the way to remedy that evil is to make them work longer hours and pay them less.

There is nothing so expensive about living in Washington as compared with any other city. It is not the only attractive city where people like to live. The purpose of having agencies established so that 17 men can draw high salaries and have under them clerks costing the Government necessarily between $100,000 and $200,000 does not seem to me, Mr. President, to justify the Senate in rejecting the bill as it comes from the House and insisting upon the Senate amendments, because it is not a question of politics in the House. The leader of the minority there also said that he hopes the conferees on the part of the House will stand firm and never give in on this proposition.

Mr. President, when this thing is boiled down to its final meaning it is that there is some pleasure or some benefit supposed to be derived by the States or the congressional districts or the cities or the towns in which these agencies are located. I rather sympathize with the view submitted by the House that the House has the right to make appropriation for the maintenance of whatever branch they see fit to keep and to provide for.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator if there is any difference or any cost to the soldiers?

Mr. BRYAN. There is not a bit of difference to the soldiers. The only difference is it would save about $200,000 and abolish some offices that are useless.

Mr. MARTINE of New Jersey. I thought perhaps there might be a commission charged.

Mr. LODGE. Mr. President, I only want to call attention briefly to this matter of costs. I have here tables showing the cost per pensioner at each of the agencies, and the average cost per pensioner for all agencies is 56½ cents. The average cost of Washington is 63.8 cents—that is, Washington is 7 cents per pensioner higher in expense. If you will carefully examine the total, it will be seen that of course the expenses per pensioner decline with the number of pensioners; but if you will take New York, it is about the same as Washington, but if you take Philadelphia, which has 52,660 pensioners, only 2,000 more than Washington, it is only 50 cents a pensioner, as against 63.8 cents in Washington, according to this table which I ask to have printed. Chicago is a large agency. The cost there is only 46 cents per pensioner; at Knoxville, with 59,253 pensioners, the cost is only 50.3 cents per pensioner; at Boston, with 54,538 pensioners, the cost is 48.8 per pensioner; but, as I have said, the average is 56½ cents, while for Washington it is 63.8 cents, with 50,663 pensioners—a large number. I shall ask leave to have this table printed in the RECORD.

I want to say, in regard to the local pension agencies, that they are of very great value to the old soldiers in their respective neighborhoods. They are saved a great deal of trouble. If they wish to make out an application for an increase of pension, or anything of that kind, the agent is there; he is able to help them, to save them from counsel fees, to furnish them with papers, and also to give information which can only be obtained through a local man. I do not believe there would be the slightest saving in money if the local agencies were abolished, and I believe that it would add very much to the inconvenience of the old soldiers, who are universally in favor of the maintenance of these local offices.

The fact that the other House stand firm does not seem to be an argument why the Senate should not also stand firm if they think they are in the right. If there is no objection, I ask that the table be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The table referred to is as follows:

Cost per pensioner at the various agencies.

	Number of pensioners.	Cost per pensioner.
		Cents.
Augusta	15,257	77.6
Boston	54,538	48.8
Buffalo	38,292	61
Chicago	69,955	46.4
Columbus	87,603	46.1
Concord	14,213	82.1
Des Moines	49,597	51.7
Detroit	36,917	59.9
Indianapolis	55,841	43.6
Knoxville	59,253	50.3
Louisville	24,254	66.6
Milwaukee	45,721	50.2
New York	50,378	63.6
Philadelphia	52,660	50.6
Pittsburgh	40,362	59.5
San Francisco	43,766	54.7
Topeka	102,828	40.8
Washington	50,663	63.8

Average cost per pensioner for all agencies is 56½ cents.

Mr. WILLIAMS. Mr. President, the Secretary of the Interior says that it has often been recommended to Congress to dispense with these useless pension agencies. Not only is that true of the pension agencies, but it is true as to ports of entry and as to various other things. The Secretary of the Treasury has recommended again and again that useless ports of entry, where the expenses are more than the receipts, be done away with. When the recommendation gets to the two Houses it is found that there are a lot of political interests at stake, and as a consequence they are not done away with.

I find that one of these pension agencies is in Massachusetts. I find that one of them is in New Hampshire; that one of them is in New York; one of them is in Chicago, Ill.; one is in Ohio; one is in Iowa; one is in Michigan; one is in Indiana; one is in Kentucky; one is in Wisconsin; two are in Pennsylvania; one is in California; one is in Topeka; and one is in Washington. They are scattered, if I have counted aright, through 15 different States. Of course each State has two Senators, and

if each Senator from each State where there is a pension agency is going to vote against its abolition it will require a very strong public sentiment and very strong departmental recommendations to secure the abolition of such agencies. I take it for granted that both Senators from each State in which there is a pension agency will not fight the continuance of the pension agency.

The Senator from Massachusetts [Mr. LODGE] says he can not see how the abolition would bring any saving of money. I do not know what the rent is. I have not the figures by me, but incidentally in the debate it seems that the rent in New York is $4,000 per annum. I presume that it is about $1,200 per annum in the other places, on the average.

Mr. GALLINGER. In the other places the agencies are in the public buildings, and no rent whatever is paid.

Mr. McCUMBER. No rent is paid.

Mr. GALLINGER. New York is the only place where any rental is paid.

Mr. WILLIAMS. In all the other places——

Mr. GALLINGER. In all the other places they are in public buildings.

Mr. WILLIAMS. Very well. Then it would seem that the saving in rent would not be so very immense, but that is something. It is admitted all around that there would be a saving by the abolition of the offices of the chiefs of these various pension agencies. They will not be needed here if the force shall be moved here. I do not think all the clerks will be needed here, because a great deal of the work can be done by clerks who are already employed; and as the clerks now employed in the agencies, who would be removed here at first, die or otherwise become separated from the public service it will not be necessary to fill all of their places.

I think it is a sad commentary, Mr. President, upon our way of doing things, which is evident not only with regard to these pension agencies, but evident, too, with regard to ports of entry, National Guard encampments, and heaven knows what else, that whenever an expense is fixed upon the Federal Government it is almost impossible to get rid of it. There is always standing in the way some patronage interest that will be damaged, and somebody representing in the best of way, generally more out of good nature than anything else, the patronage interest at stake; and then, whenever you have even a military post anywhere in the country, if the War Department wants to get rid of it as being useless for military purposes, harmful in fact, as necessitating a too great division of the Army forces of the country, there immediately arises some Representative or some Senator, who imagines that trade is encouraged or something else good is done for a particular locality which he represents, and he attempts to put his veto upon the abolition of it. This sort of feeling runs all through the entire Government, until somebody has shrewdly said that perhaps this is the only Government in the world where each Representative in Congress considers it his duty to get out of the Treasury all that he can for some local purpose and to keep out of the Treasury all that has already been gotten out. It is almost impossible to bring about any economy in any way.

That these pension agencies are absolutely useless is the burden even of the argument as made for them, because there has not been an argument made for them which undertakes to show that their existence is any more advantageous or any more economical than would be attending to the business in Washington. All that has been said in favor of them is to attempt to prove that they are not much less economical and that the advantage would be equal as to the locality of attending to the governmental affair at stake. I do not think that we ought to stand in the way of the recommendations of the department.

One other word, Mr. President. It seems to be taken for granted in this body that whenever the representatives of the people—not of the States—attempt to put reformative legislation upon an appropriation bill, they are committing some sort of treason to the Senate. I have said it several times, but I can not too often repeat it, that the only way in which popular government has ever been inaugurated or ever preserved anywhere was by putting reformatory legislation upon appropriation bills, and putting it there in that House which represented the people directly. There is no other way of coercing the other branch of the Government; and the coercive power of the purse was placed in the House of Commons, with us in the House of Representatives, and the House of Representatives is our House of Commons for that express purpose. I do not subscribe to the doctrine that merely because a provision upon an appropriation bill is new legislation, therefore the House placing it there ought to have the burden of proof against it. The thing, after all, is to consider the merit of the propbsition. If it be meritorious, then it ought to pass; if it be in any way harmful and detrimental to the public service, then it ought not to pass; but the argument that it ought to go out because our House of Commons had placed it upon an appropriation bill is an argument made in contempt of all history. For my part, I hope the Senate will agree to the House provision and will permit these useless pension agencies to be abolished.

Mr. OVERMAN. Mr. President, I shall vote to agree to the conference report and then I shall make a motion, if some one else does not do so, that the Senate recede from its amendments numbered 2, 3, 4, and 5, upon which there is a disagreement.

Last week the Senator from North Dakota introduced a joint resolution appropriating $30,000,000, to be at once available, because, as is stated in the preamble to the joint resolution, there is not enough money by that amount to pay the pensioners on account of pensions now due. The pension appropriation bill carrying $158,000,000 passed the House in February last and passed the Senate on the 4th day of May, three months ago. Whose fault is it that there is no money provided for the payment of the pensions? I do not agree to what is stated in the preamble of the joint resolution introduced by the Senator. The amount lacking is $9,000,000, according to the report of the Secretary of the Interior and according to the statement of the Commissioner of Pensions, whom we had before our committee this morning. If we want the pensioners to have their pensions, if you take notice of what has been said in the House of Representatives, we have got to recede. Said by whom? Not only by the leader on the Democratic side, but by the leader on the Republican side. It is not a party measure, because the Republicans and Democrats of the House of Representatives, speaking for the people, as the Senator from Mississippi [Mr. WILLIAMS] has said, have united in their judgment upon this matter that the pension agencies are an extravagance and an expense to this Government that ought not to be longer incurred; that they are no longer necessary for the efficient administration of the affairs of the Pension Office; and there was read in the RECORD the testimony of the Commissioner of Pensions that there would be a saving to the taxpayers of the Nation of more than $250,000 a year by their abolition.

Are we to toss this back and forth and do nothing for the pensioners of this country? Both Houses have passed the bill making appropriations for the payment of pensions. The House sent the bill over here and we sent it back to them with certain amendments. Shall we send it back to the House again when, according to the notice given us, they will not agree to the Senate proposition? Shall we send it back again in the face of that fact? What is the wise and proper thing for us to do today? If we want the pensioners to have their money, the wise thing to do is to adopt my motion to recede from the Senate amendments. What are the two or three amendments from which we should recede? They involve the abolition of the 18 pension agencies scattered over the country. Their abolition has been recommended by the Department of the Interior, and a provision providing for their abolishment has been passed by a Republican House of Representatives in two or three Congresses. By abolishing the agencies we will eliminate the rent paid for pension agencies. It is true it amounts to only $4,000, but that is quite a sum when we consider the fact that we have public buildings in various places throughout the United States. It will also involve a saving of $385,000 in clerk hire in the various pension agencies, which the Commissioner of Pensions says are not needed; so that the only difference between the House and Senate is whether we will stand here and insist on something against which the department has recommended and against which both the Republican and Democratic Parties in the other House have recommended. Are we to insist on these amendments holding on to these 18 agencies at a useless expense because some Senators want to keep them in their own States? That is the question and the only question before us. I say, Senators, that if you recede from these amendments, in 24 hours there will be $158,000,000 in the Treasury of the United States to pay the pensioners. Shall we send the conference report back again and deprive the pensioners of this money which is justly due them?

The Senator from North Dakota says they are $30,000,000 short in the necessary amount for the payment of pensions. By mistake he included the payments due on the 4th of September. By that time the amount would reach $30,000,000. The vouchers are sent out on the 4th day of the month, and there is now a deficiency of $9,000,000 to pay them. The pensioners are entitled to this money, and they can get every dollar that is coming to them if the Senate will recede. Should we deprive the pensioners of their money by insisting upon the Senate amendments in order to retain 18 pension agencies?

Will we insist on a disagreement between the Senate and the House when we have notice that the House is tired of sending this provision over here time and time again and when the administration in power, through the proper officer recommends the abolition of the agencies? The House has sent over such a provision in several previous Congresses; they have sent it to us again this year, and by insisting on its amendments the Senate prevents the pensioners from drawing the money that is justly due them.

So, Mr. President, I say it is an easy matter for us to settle this question and let the pensioners get their money without doing the unprecedented thing of the Senate inaugurating an appropriation bill calling for an appropriation of $30,000,000 and sending it to the House, instead of letting the House inaugurate the appropriation bill, as is the invariable custom, and send it here. The House will never consent to such a proceeding.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. Certainly.

Mr. GALLINGER. We could settle all the appropriation bills on that basis by yielding to the House and adjourn to-morrow.

Mr. OVERMAN. Yes; but we do not yield on great questions. The question here is whether or not we ought to yield in this instance. The bill has been in conference since the 4th day of May last and both parties in the House of Representatives—the Democratic and Republican—say they will never stand for the Senate amendment. The leader of the House says that the pension agencies ought to be abolished, and that the House will never recede from its position. If that is so—and we have that notice—if we want the pensioners to get their money let us recede, and they will have every dollar of it very shortly.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield further to the Senator from New Hampshire?

Mr. OVERMAN. Yes.

Mr. GALLINGER. It is noticeable that most of those gentlemen in the other House who were so belligerent are not on the conference committee.

Mr. OVERMAN. Well, I take it for granted that they speak the voice of their conferees.

Mr. GALLINGER. They speak their own opinions, and it is not the first time they have done so.

Mr. OVERMAN. The conferees have not yielded, although the bill has been in conference for months. May, June, and July have passed and they are still holding out. I do not know anything about the matter, but probably many conferences have been held.

Now, let us see whether the pension agencies are necessary or not. I am going to read from the statement of the former Commissioner of Pensions, Mr. Warner, who was a good administrator in that office. I believe I have heard him very highly complimented in this Chamber, and I want to read from some testimony he gave before the committee in the House.

As far back as 1906 he was before the Committee on Appropriations of the House and gave the following evidence:

Mr. GARDNER of Michigan. I would like to ask the commissioner what is the necessity of having 18 pension agencies.

Mr. WARNER. None whatever. They should be reduced to 6. That could be done by an Executive order.

He said later:

If I had the power, I would decrease the number of agencies in the United States to 6.

Mr. KEIFER. Who can do that?

Mr. WARNER. The President can do it by an Executive order.

These men were put in by Executive order, I think the Senator from North Dakota said, and they can be removed by Executive order. But suppose the President does not do so; then it is the duty, I think, if they are useless, for Congress to refuse to appropriate for them. The Commissioner of Pensions said if he had the power he would decrease the number. In January, 1907, Mr. Warner, the Commissioner of Pensions, also said:

I have no complaint to make of the organization, or laws, or anything else, so far as that is concerned. There is only one point, that is the question of the agencies for the payment of pensions throughout the United States. That is within the control of the President, as to the number of them. There are now 18, and I think it would be good policy to reduce the number to 9, anyway.

Mr. GARDNER. Have you any recommendation to make in that respect?

Mr. WARNER. It is entirely within the control of the President. I recommend that the number be reduced from 18 to 9, but of course it is an embarrassing proposition. There are 18 agents, at $4,000 salary each, scattered around over the United States, and Senators and Representatives are interested in them, etc. You do not have to tell a Member of Congress what that means. I think it would be economy in policy to reduce the number to 9. It could be reduced to 6.

Mr. BROWNLOW. Do you think that would improve the efficiency of the service?

Mr. WARNER. I think it would benefit the efficiency of the service, because you can do business better with 1 man than with 3, and you can do business better with 9 than with 18 agencies. You can enforce policies better with 9 than 18. The checks and vouchers would be made all the same then. As it is now we have separate checks for each agency with the agent's name printed in them and a separate voucher for each agency.

Then, on January 27, 1908, Commissioner Warner also said:

As far as I personally am concerned it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor. But looking at it from a business point of view and as it it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the record kept in better shape.

Gen. Keifer, who was an old veteran and then a Member of the House, favored abolishing these useless offices.

On page 5 is the item for the salaries of 18 agents for the payment of pensions, at $4,000 each, $72,000. That would be the same as before?

Mr. WARNER. Yes. I wish you could knock them down to 9.

Mr. BOWERS. I think it ought to be done.

Mr. WARNER. You would do it in a moment if it was your own business.

That is what the commissioner said—"You would do it in a moment if it was your own business."

You take New Hampshire and Maine and Massachusetts—three little agencies up there that would not make a vest pocketful, hardly.

I did not intend to refer to New Hampshire. I did not know I was coming to that.

Mr. GALLINGER. I have no objection.

Mr. OVERMAN. On February 5, 1910, the present Commissioner of Pensions, Mr. Davenport, appeared before the committee and testified as follows:

Mr. KEIFER. If you care to state, will you please say whether you think it would be advisable to pay all of these pensions at one agency from Washington?

Mr. DAVENPORT. I think it would be in the interest of economy.

Here you have the Commissioner of Pensions, the Secretary of the Interior, and both parties in the House of Representatives uniting in asking for the abolition of the agencies; pensioners all over the country are without their money, and the provision for their payment is $9,000,000 short. The Senate has the opportunity to recede from its amendments striking out the provision which has passed the House of Representatives three times and which has been recommended by two Republican administrations. If you will recede from the Senate amendment, in 24 hours, I repeat, the pensioners will get their money, and there will be no harm to anybody, because the agents have been fed at the public crib long enough and are useless.

Mr. McCUMBER. Mr. President, if the receding be done on the other side, we will not have to wait 24 hours; we can get the matter disposed of in 24 minutes. It is simply a question, after all, as to which side ought to recede. I agree entirely with the Senator from Mississippi that if the pension agencies ought to be abolished, then we ought to recede; if they ought not to be abolished, then we ought not to recede. If it is a question whether it is a character of legislation not necessarily germane to an appropriation bill, then the equities at least would be on our side.

Mr. President, I know what the Commissioner of Pensions and others have stated under examination with reference to this matter. I know what they have stated also on a further cross-examination before the Senate committee upon the question of saving and how it would be made. Let us remember, in considering the question of cost, that the salaries paid to clerks in the pension agencies outside of Washington range, I think, from 20 to 40 per cent less than they do in Washington—I am giving the average—and the work accomplished by each of the clerks outside of Washington will range about from 40 to 50 per cent more than in the city of Washington, according to the way they are being worked now. Then, with from 20 to 30 per cent higher salaries and with from 30 to 40 per cent less efficiency in labor, I can scarcely comprehend how there is going to be any great saving by transferring the work of the pension agencies from the country to the city.

But that is not all, Mr. President. The Senator from North Carolina says that this matter has been before the committee for some time and that the bill was passed by the House in January or February. It does not make any difference when it was passed. We had sufficient time to consider it and to arrive at an agreement before the 1st day of July. We have had it under consideration in the neighborhood of two months, but so far we have been unable to agree.

In connection with the question of saving, we have other things to consider than the mere matter of the salaries of the agents. We adopted an amendment a few days ago to one of the appro-

priation bills providing for 300 extra clerks, I believe, for the Pension Office. We have a provision in another bill, I think, for about 175 temporary clerks and perhaps 300 more permanent clerks, or as many as may be necessary, in the Census Office.

Where are you to put them? Have you stopped to consider that? Where are these people to do their work? We have not room here at the present time. Here are all the clerks in 16 agencies, where not one dollar of rent is being paid. You are to bring those clerks to the city of Washington. They can not perform their services out on the street. You must make room for them, and you have to rent buildings for them, and the experience we have had in renting buildings in the city of Washington for governmental purposes ought to cause any Senator to pause a long time and consider whether there is not some other way, so as to avoid the payment of these extortionate rents.

You have to provide for the extra 300 clerks and all of those from the several agencies who may be brought here to perform their services.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield.

Mr. BRYAN. Does the Senator from North Dakota doubt the accuracy of the statement of Commissioner Garfield to the effect that it would not be necessary to rent any buildings—that there is ample space in the Pension Building for these records and what other clerks were necessary?

Mr. McCUMBER. Commissioner who?

Mr. BRYAN. Secretary Garfield.

Mr. McCUMBER. At what time?

Mr. BRYAN. In 1907, in his report to the House.

Mr. McCUMBER. The Government service has grown since 1907. I have the present statement from the officials of the Pension Department, brought right up to date.

Mr. BRYAN. The pension service has not grown to any great extent.

Mr. McCUMBER. We are adding 300 clerks. We have already provided for them; and then you have to take care of those at present in the service at the 18 agencies and bring them here, and you have to provide room for them.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. I will ask the Senator if he does not admit that most of this increase of force to which he has referred is of a temporary character?

Mr. McCUMBER. That employment, even if it is of a temporary character, will last a year.

Mr. WILLIAMS. Suppose it does.

Mr. McCUMBER. You will have to rent space for a year. It does not make any difference whether it is temporary or not, the clerks can not perform their duties outside of a building.

Mr. WILLIAMS. We can easily take care of those few people from the agencies during that time, and after the temporary force is out there will be plenty of room in the Pension Building.

Mr. McCUMBER. Oh, no. There is no room for them now. We have had to crowd the Indian Office over into the Pension Office, and to-day it is being crowded out of there to make room for the other clerks.

Mr. WILLIAMS. In other words, the lack of room, to which the Senator refers, would not be due to the removal of the employees from the pension agencies hither, but is due to the appointment of these extra clerks for this present emergency?

Mr. McCUMBER. I have here a statement by one of the officials, speaking of the 300 extra clerks, and he says:

> If the provision for extra clerks which has been adopted by the Senate in the sundry civil bill and which was adopted by a vote of the House, prevails, it would be impossible almost to find room for these clerks to work in the Pension Bureau Building, as so much of the space there is occupied by the Indian Office, and the Indian Office would probably have to be moved out and another building rented. If these 300 clerks were appointed, and then the pension agencies were abolished and all brought to Washington, as is proposed by the House of Representatives, it would require some two or three hundred additional clerks, and with present conditions in the Pension Bureau and congestion of work there there is no question but that it would cause a great deal of confusion and inconvenience, and would delay the payment of pensions. If the pension agencies are continued for another year—

And this answers the question of the Senator—

> the congestion in the Pension Bureau will have been pretty well cleaned up by those 300 extra clerks, and at that time if it is decided to discontinue the agencies they might be brought in without inconvenience.

But during the ensuing year, with all these extra clerks, we have to make provision for housing them.

Mr. WILLIAMS. I suggest that during that year the Indian Bureau employees could be very comfortably housed in the Maltby Building.

Mr. McCUMBER. I do not know. We are still using this building. I am doubtful whether we could use the Maltby Building for that purpose.

Mr. WILLIAMS. There is ample room.

Mr. McCUMBER. Have the Senators stopped to consider another thing which bears upon the question of economy, and that is the extra number of post-office clerks who would be required in the city of Washington to handle the mail that is sent out to about 800,000 pensioners? This extra work is to-day distributed over 18 agencies, and the present post offices at the points where those agencies are located are able, without additional help, to handle that mail.

I do not suppose, and I do not think any other Senator believes, that if we should discontinue these agencies we would dismiss any of the clerical force in the post offices in the cities where the agencies are now established. But when you increase the mail in the one city of Washington by the amount of mail that goes out to nearly a million people, you must necessarily have additional clerks at the post office here to take care of that mail. I do not remember the exact number that it was estimated would be necessary, but it was a considerable number.

Mr. President, I say again that we could not accomplish anything in the matter of economy. I am willing to concede that others are equally as strongly convinced that we would save something by the abolition of these agencies. But the Senate conferees have acted in the best of faith and have attempted to bridge over this gulf that divided them from the House, and we have advanced far more than halfway in our propositions.

As has already been suggested, all but three or four at least, of these agencies were created by Executive order under a general law for that purpose. Some three or four of them were created by special law. Undoubtedly the President of the United States, upon the recommendation of the proper department, could abolish any of those agencies which were created by Executive order if he thought that the economic administration of the Government required it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Yes; I yield to the Senator.

Mr. GALLINGER. I will ask the Senator if it is not a fact that President Cleveland did reduce the number of the agencies to some extent?

Mr. McCUMBER. I think probably he did. I do not remember. I could not speak positively about it.

Mr. GALLINGER. That is a fact.

Mr. McCUMBER. But here is a question of abolishing these agencies now. It is stated that the departments have recommended that these agencies be abolished. It is stated that the Commissioner of Pensions favors that proposition. If he does favor that proposition, and that can be established to the satisfaction of the President of the United States, then the proposed amendment which the Senate conferees have offered would result in the abolition of all of those agencies, and in order to bring the two Houses together we have submitted propositions and counterpropositions for some considerable time. The last one which I was requested to reduce to writing and submit to the conferees on the part of the House and on the part of the Senate reads as follows, after allowing the provision relating to the appropriation for the agents to remain in:

> *Provided, however*, That after the 1st day of March, 1913, the President of the United States shall inquire—

It is made his duty under this to inquire—

> into the propriety of abolishing any or all of said pension agencies, and if after such inquiry and investigation he shall conclude that the economical and efficient administration of the pension laws requires the discontinuance or consolidation of any such agency or agencies, he is hereby authorized and directed to discontinue and abolish any or all of such agencies, or to consolidate any two or more of them, as in his judgment the best interest of the service may require.

Now, a number of us—and a majority of the Senate, I think—insist that there will be no economy in the abolition of these agencies. I agree that the majority of the House insists that there will be a considerable economy in their abolition. If the President is compelled to investigate this, if he is compelled to act upon the suggestion of his department, as he undoubtedly would, then we have met the contention that the President would not act unless compelled to, and have put in motion the necessary investigation that will result in the abolition of these agencies if they ought to be abolished.

Now, I think when we have gone that far and are willing to submit to the very departments themselves and to the President in the future, after a thorough investigation in the department, in which every matter of saving and expense could be taken into consideration—after we have provided for the submission of that to the President and given him authority and directed him to act in accordance with the results of his investigation, then it seems to me we have gone as far as we ought to be asked to go, and the House should meet us at this point.

Mr. WILLIAMS. I will ask the Senator from North Dakota if he really thinks that his proposition authorizes the President to do anything or directs him to do anything except what he is already authorized by law to do, and directed by duty to the public service to do, and which he has hitherto failed to do?

Mr. McCUMBER. He is now neither authorized nor is he directed in any way to abolish those agencies created by law.

Mr. WILLIAMS. No.

Mr. McCUMBER. So that leaves those agencies entirely outside of the question.

Mr. WILLIAMS. But, Mr. President, there are only four of those, I understand.

Mr. McCUMBER. He has undoubtedly, as I have already said, authority to abolish or to consolidate the other agencies; that is, that implied power follows from the power granted to him to create them as in his judgment might be necessary for the expedition of the pension laws——

Mr. WILLIAMS. Yes; take the agencies which were not created by Executive order.

Mr. McCUMBER. It might possibly be that those were the particular agencies, if any, that should be abolished, or that should be first considered.

Mr. WILLIAMS. And if I am correct an Executive has a right to order an inquiry at any time for the purpose of determining whether the things that he himself has created ought to be abolished or not. So he has a right to order the inquiry. He has a right to abolish the agencies.

Mr. McCUMBER. Some Senators have questioned whether he would do it. We make it imperative that he shall do it.

Mr. WILLIAMS. No; you merely make it imperative that he shall have an inquiry.

Mr. McCUMBER. No; the Senator failed to catch the meaning of the words I read.

Mr. WILLIAMS. Then I did not properly catch that.

Mr. McCUMBER. He is at first required to make the inquiry and the investigation, and—

if, after such inquiry and investigation, he shall conclude that the economical and efficient administration of the pension laws requires the discontinuance or consolidation of any such agency or agencies, he is hereby authorized and directed to discontinue and abolish—

And so forth, as the case may be.

Mr. WILLIAMS. I was evidently mistaken about the last wording there. But the only difference then would be that as regards those agencies which he has himself created he would have no greater power than he has now, while, if I understand your amendment, with regard to those created by law, the amendment would confer additional power.

Mr. McCUMBER. It would confer additional power with reference to those, and compel him to act upon the others.

Mr. GALLINGER. Mr. President, I am so extremely anxious to have this conference report disposed of, as well as the one of which the Senator from Wyoming [Mr. WARREN] has charge, that if I had a disposition to occupy much time in this discussion I would forego it. I will engage the attention of the Senate for only a few minutes.

I was quite surprised a day or two ago to pick up a local newspaper and find in it a statement that, in conjunction with my colleague, I was holding up the pension appropriation bill. At that time I had scarcely thought about the bill, and certainly I had not said a word about it to any one of the conferees. I had done nothing whatever in reference to it, either to hold it up or to promote its passage, because it was in the hands of other Senators, and I thought they were quite competent to deal with it.

The newspaper further said—and that has been repeated here to-day—that there were political considerations back of the opposition to this bill, which, to say the least, is absurd. There is an agency in my own city, and it is a well-conducted agency. A soldier, a man who served with distinction in two wars, is at the head of it. He is an old man, but a very efficient man; and I believe there are in that office five or six clerks. The chief clerk is a Democrat of Democrats. He certainly could not help me politically; the rest, I believe, are women; and I never have appealed to women to render me any assistance in my political campaigns. So there is no politics in the matter, so far as New Hampshire is concerned, and I apprehend that is the case in the other States.

In almost every one of these agencies an old soldier is the pension agent, most of whom are men well advanced in life; and I submit to you, Senators, who are so solicitous for the clerks in the departments, who are so unwilling that a clerk shall be thrown out of employment in Washington without having a hearing, that they might well pause and give consideration to the question whether or not they want to throw out of employment 17 old soldiers who happen to occupy these positions.

Those men deserve quite as much consideration as the ordinary clerk, either in the Pension Office here or in any other department of the Govermnent in this city, and we all know how solicitous public men are, how solicitous the President of the United States is, and how solicitous the heads of the executive departments are that these clerks shall be protected in the places which they now hold, and that they shall not be thrown out on the charities of the world. Indeed, it is being argued in high quarters that they ought to be protected in office and afterwards pensioned and taken care of as long as they live.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. GALLINGER. I yield.

Mr. REED. Are not all these 17 men now pensioned?

Mr. GALLINGER. I do not at all agree to the proposition that they are, any more than the Senator from Missouri is pensioned. They are performing the duties of their offices——

Mr. REED. I do not know why the Senator should make that application.

Mr. GALLINGER. I make it understandingly. If those men are pensioned on the ground that they hold public office, we are all pensioned.

Mr. REED. These men will draw pensions under the pension act that has been passed, if they are not already drawing pensions. I ask again if they are not now pensioned.

Mr. GALLINGER. I apologize to the Senator. I did not understand that the Senator had reference to a pension because of Army service.

Mr. REED. Of course.

Mr. GALLINGER. Some of them, I apprehend, do draw pensions for military service. I think the agent in my own city has never applied for a pension, but possibly some of the others have.

Mr. REED. If the Senator means that any man who draws a public salary is a pensioner, and includes himself in that class, that he is a mere pensioner, he can so classify himself. I have always thought that men who held public office and represented the people were not exactly in the class of pensioners. But I refer to the fact that those old soldiers, over whose wrongs and trials the Senator so regularly weeps in this Chamber, are already drawing pensions, and if not large enough to support them, they ought not to be supplemented by a public salary.

Mr. GALLINGER. I have yielded as far as I propose to when the Senator from Missouri misrepresents my position and refers to me as weeping over the wrongs and trials of the old soldiers. I have done nothing of that kind. If any weeping has been done on that score, it has been done by others and not by me. However, I am a friend of the soldier under all circumstances.

Again, Mr. President, the Senator from Mississippi [Mr. WILLIAMS] was a little unfortunate—I believe it was a quotation which he gave us—when he said that the average man in public life wants to get into the Treasury and to get out of the Treasury all he can for his own State or his community. I do not think that is true.

I was on the Committee on Commerce for a great many years, and I did a great deal of work for other Senators, chiefly from the Southern States, in getting appropriations for rivers and harbors. I did not have any appropriations for my own State, but I was very glad to cooperate in getting appropriations for other sections of the country. For the most part they were proper appropriations. There were some that I questioned, but I gave the benefit of the doubt to my associates, and voted for them. I have never secured an appropriation for a public building in a town or city that did not have 10,000 inhabitants. Some of the Senators who are so much troubled about the extravagance in keeping these 17 old soldiers on the pay roll might well ask themselves the question whether or not they have been as careful as that in asking for appropriations for public buildings.

I know we have passed bills carrying as much money in a single instance for a public building in a town having three or four thousand inhabitants, as is involved here, and in some instances having only a few hundred inhabitants, but such buildings are not to be found in New England. If there is extravagance in the pension agencies of the country, there is extravagance to an extent that is scandalous in the matter of appropriating for public buildings in these inconsequential country villages. I have not done it, and I have not purloined any money from the Public Treasury either for such public buildings or for the improvement of rivers that can never be made navigable.

Now, Mr. President, there is no real reform in this matter. In my judgment there will be no economy in it. Take the matter of rentals. We pay out two or three thousand dollars in the city of New York in the matter of rental, but we pay out nothing for that purpose in any of the other places where these agencies are established.

We have in the Pension Office Building to-day a state of congestion. The Indian Office, or a part of it, is in that building, but the Commissioner of Pensions has announced, in view of the fact that we are to employ 300 more clerks, that the Indian Office must leave the building. It will have to go out and rent a building, and Senators all know what it means to rent buildings in the city of Washington. So instead of saving money we will unquestionably lose a good many thousands of dollars in that operation. That certainly will not be a matter of economy.

Now as to the clerks. There are a few clerks in each agency. They are getting small salaries, as the Senator from North Dakota has said, in comparison with salaries paid in Washington. Possibly some of them may be dispensed with, but that is doubtful; but, however that may be, we might well have as much sympathy for those clerks as for the clerks in Washington. If their services are not dispensed with, they will come here and work at shorter hours and larger salaries; which will not be a matter of economy, but a matter of added expense to the Government.

Mr. BRISTOW. Does not the Senator think that they would be petitioning Congress, after they had been here a year or two, and employing lobbyists to try to get pensions?

Mr. GALLINGER. Of course. They will join the army of patriots who are now demanding pensions for all the clerks in all the departments in this city. That will certainly follow. They will not get behind in the procession, so far as the pensions are concerned.

There have been recommendations, and there will doubtless be in the future recommendations, for the abolition of these agencies. Mr. Warner, the gentleman whom the Senator from North Carolina [Mr. OVERMAN] quoted with so much approval and earnestness, recommended that half of the agencies should be abolished. Mr. Garfield, who, in the matter of so-called reform, goes everybody one better except his chief, advised that they all be abolished, and that the work should be put under the Commissioner of Pensions, in the Pension Office; and so it goes. Mr. Davenport has been quoted as having approved of it, and yet Mr. Davenport has always been very guarded in any utterance he has made. Evidently he has had very grave doubt in his mind, and, as I quoted from his testimony a little while ago, he said it might be well to try abolishing one agency, and, seeing how it worked out, and if satisfactory, then take up the question of abolishing the others.

Mr. President, I have said all I care to say. I have no earthly interest in the matter. I have no special interest in the war veteran who is pension agent in my own city. I have never asked a political favor of him in my life, and never expect to. The soldiers in my State feel that they are better served by having an agency there, and a great many of them have said to me, as the Senator from Massachusetts [Mr. LODGE] suggested they have said to him, that in the matter of securing pensions they can always go to the agency and get advice and help, and that they are saved some money in that way.

Mr. President, I think we can well allow this matter to rest as it is at least for another year. After a careful investigation by the Secretary of the Interior, the Commissioner of Pensions, or the proper committees of Congress, we can better judge whether or not it is desirable to make the change. When all the evidence has been collected and all the facts presented to Congress, we can with much greater intelligence and justice to all concerned legislate upon this question than we can at the present time.

Mr. President, I do not think our conferees are censurable for standing out in this matter any more than the House conferees are censurable for standing out on items in this and in all the other appropriation bills. If the conferees on the part of the Senate honestly believe that this is not an economical matter; that it is not in the interest of the soldiers of the country; if that is their conviction, I do not think, however severely they may be criticized in the public press or in another place, that their associates here ought to take them to task and tell them they are not doing the right thing and that they ought to recede. Why should they recede any more than the House, and why should not we stand by our own conferees? I trust, Mr. President, that we will send this matter back to conference and allow our conferees to further try to adjust the differences with the other House. If they again fail, we can then take the matter up at a later date and make such disposition of it as we think wise. I trust the motion of the Senator from North Carolina will not be agreed to.

Mr. BRADLEY. Mr. President, we have been told that it is very necessary that this matter should be acted on at once so that the pensions of the soldiers can be promptly paid. In my judgment, if there is anything that will prevent the pensions of the old soldiers from being promptly paid it is this identical legislation insisted upon by the House conferees.

So far as the statements are concerned of Commissioners of Pensions or Secretaries of the Interior in the past as to whether the agencies should be abolished, the conditions which exist now are so very different from the conditions which existed then as to render them valueless. Only a few days ago we authorized the employment of 300 additional clerks to carry out the provisions of the new pension bill, and if we are to bring in addition to them 372 clerks from the agencies to the department in Washington—even conceding the curtailment suggested of 100 clerks—and if we take the time to transport to the city of Washington the immense number of records that are now in these various pension offices, it can amount to nothing more nor less than, as stated in the letter read a few moments ago by the Senator from North Dakota, almost interminable confusion and delay.

If I thought that those who contend with us were right, that this is a measure of economy, I might look upon it with some degree of favor, provided it was not an injury to the old soldiers, but, Mr. President, it is not a measure of economy. If this measure is adopted, it will increase instead of decrease the expenses and do a great injustice to the old veterans.

We have in these various pension offices 472 clerks drawing an average salary of $977.79, making a total of $451,516.88.

We have 17 pension agents with salaries of $4,000 each, making a total of $68,000. The amount of the two is $519,516.88.

It has been said that we can do with a hundred less clerks if these pension agencies are consolidated in Washington. This was said, however, before the passage of the late McCumber bill, and no sane man thinks it can now be done. I do not believe it, for the reason that in the different pension agencies the clerks frequently work until 7 o'clock p. m., that 100 less clerks working in Washington, only until 4 o'clock p. m., can do the work, certainly not in a rapid or satisfactory manner.

But suppose that it is true, when we bring the remainder of these clerks here their salaries, according to the average in the departments, will amount to $1,280.72 each. The clerks who work in Knoxville, for instance, or Louisville, or Columbus, have their homes there, and are able to work at $800 or $700 or $900 a year, but they can not come to Washington and work for the average salary paid for clerks here.

Now, let us take this number of clerks less 100 and we find that even deducting the salary of 100 clerks, it would require $476,427.14 to pay the remainder.

Then, according to the contention made, there would be a saving of $43,089.74.

But let us see what additional expense will be necessary. In the first place we can not bring 672 clerks to Washington without having additional room for them in which to work, because the Pension Office is now crowded, and we can not rent another building for less than $15,000.

In the next place, we will have, necessarily, an increase of 10 clerks in the Post Office Department on account of the immense increase in mailing matter sent out from Washington. These will cost $1,000 apiece, or $10,000. Bear in mind that the cost of each payment from Washington is 63 cents to each pensioner. The average cost of other offices is 56 cents, the excess in Washington being 7 cents. Considering there are 800,000 pensioners, there will be an increase in this respect of $56,000.

Now, when you add that $56,000, 10 clerks at $10,000 in the Post Office, $15,000 for rent, and the cost of removal, $10,000, we have $91,000. That is the additional expense under the present plan proposed by the House.

Take from that amount the $43,897 which will be saved by abolishment of the pension agencies on the basis named, and we have an actual increase of expense to the Government of

$48,000. This is true even if 100 clerks are dispensed with, which I am sure can not be done; and if it can not, then the amount of their salaries, $128,072, added to the $48,000, will make a loss to the Government of $176,072.

And this is the economy of the proposition of the House. The approval of the House bill, in addition, will result in turning 17 deserving old soldiers out of office. Not only so, it will result in turning out of office hundreds of clerks who are now serving, because they can not come to Washington and work, even for the increased salaries. These clerks are many of them old soldiers or widows and children of old soldiers.

Another thing, the clerks who are now in the pension offices have acquired great experience. It will take new clerks months and probably years to acquire the experience and do the work that the present force is doing, and meanwhile the soldiers must bear the brunt.

Another matter, Mr. President, whenever we remove this vast quantity of records from all over the country we run the risk of loss by fire and otherwise. We entail an enormous amount of labor. We delay pensioners in the collecting of their money. The loss of papers may work great hardship in the future.

When these agencies were established, Mr. President, there were fewer pensioners than there are to-day. If there was a necessity for these agencies then, there is surely greater necessity for them now. Why this measure of false economy should be insisted on I am unable to see. It does nobody any good; it injures instead of relieves the soldiers; it increases the expense instead of diminishing it; and it prevents the soldiers from prompt payment of pensions.

For those reasons, Mr. President, I shall vote against the adoption of the conference report.

Mr. McCUMBER. I believe the pending question is upon my motion that the Senate insist upon its amendments.

Mr. GALLINGER. No; it is first on agreeing to the conference report.

The PRESIDENT pro tempore. The only question now before the Senate is on agreeing to the conference report. The Chair will have it again read if desired.

Mr. McCUMBER. I do not think that is necessary.

The PRESIDENT pro tempore. The Chair will state that the conference report shows an agreement as to some items and an inability to agree on others. The question is on agreeing to the report.

Mr. SMITH of Georgia. I understand this question does not affect really the general subject which has been under discussion.

Mr. GALLINGER. Not at all.

Mr. SMITH of Georgia. But that will come up later.

The PRESIDENT pro tempore. It does not, as there are some items on which the conferees agree. It does not affect the question which may be subsequently submitted on which there is a disagreement. The question is on agreeing to the conference report.

The report was agreed to.

Mr. OVERMAN. I do not know whether the Senator from North Dakota heard a motion I gave notice of—that I would move to recede. But I yield to the Senator if he desires to make another motion.

Mr. McCUMBER. I think that I made the motion, and I asked that it be laid aside until we disposed of the conference report. My motion was that the Senate further insist upon its amendments to the House bill still in disagreement and that a further conference be appointed on behalf of the Senate by the Chair.

Mr. OVERMAN. I move as a substitute for that motion that the Senate recede from amendments numbered 2, 3, 4, and 5.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the Senate further insist upon its amendments still in disagreement. The Senator from North Carolina moves that the Senate recede from its amendments. The motion to recede has precedence.

Mr. WILLIAMS. Mr. President, this is a very important question. I think there ought to be at least a quorum of the Senate present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Bryan	Cullom	Johnston, Ala.
Bacon	Burnham	Cummins	Kern
Bankhead	Burton	Dillingham	La Follette
Bourne	Catron	Fall	Lodge
Bradley	Chamberlain	Gallinger	McCumber
Brandegee	Clapp	Gronna	McLean
Bristow	Clark, Wyo.	Johnson, Me.	Martin, Va.
Martine, N. J.	Perkins	Smith, Ga.	Thornton
Massey	Pomerene	Smith, Md.	Townsend
Nelson	Root	Smith, Mich.	Warren
Newlands	Sanders	Smith, S. C.	Watson
Overman	Shively	Smoot	Wetmore
Page	Simmons	Sutherland	Williams
Penrose	Smith, Ariz.	Swanson	Works

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent from the city. I will allow this announcement to stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 56 Senators have responded to their names, and a quorum of the Senate is present. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN].

Mr. McCUMBER. I ask that the Chair restate the motion.

The PRESIDENT pro tempore. The motion was first made by the Senator from North Dakota [Mr. McCUMBER], that the Senate insist upon its amendments and ask for a further conference. Pending that motion the Senator from North Carolina moves that the Senate recede from its amendments upon which there is a difference between the two Houses. The latter motion has the precedence of the two, and therefore that question will be first put.

Mr. OVERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHIVELY. Mr. President, of course, if the motion of the Senator from North Carolina [Mr. OVERMAN] prevails, the House provision for the abolition of these pension agencies will go into effect immediately on the approval of the bill by the President. While it is not my purpose to detain the Senate by discussion on the merits of the controversy that has arisen on this provision, it should be noted before this vote is taken that language which was quite suitable in the House provision when the bill passed the House months ago may not be suitable now. This provision was considered in both House and Senate with reference to the appropriations carried by the bill becoming effective at the beginning of the present fiscal year. This is true both of the appropriations for pensions and the appropriations to defray the expense of administration. The bill did not become law before the beginning of the present fiscal year. Had it become law in May or June, with the House provision in it, no difficulty or little difficulty, so far as administration is concerned, would have ensued. But we have entered on the fiscal year ending June 30, 1913. Over a month of the year has expired. The language of the House provision contemplated the provision going into effect July 1, 1912. It is too late for that language to be given effect in the full sense in which it was adopted. I suggest that to adopt the pending motion without qualification is to leave the situation with reference to these agencies in the air. If a conclusion should be eventually reached to abolish the agencies, the time of their termination should be fixed far enough ahead to give reasonable opportunity to wind them up and make the required transfers to Washington. When the provision was adopted by the House it fixed a time in the future when the agencies should terminate. To now adopt the same House provision, as is sought by the pending motion, is to fix the termination of the agencies as of five weeks in the past.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN] to recede from the Senate amendments. Upon that question the yeas and nays have been ordered.

Mr. SMITH of Michigan. Mr. President, I only desire to say that in voting "nay" on this motion I am but voicing the wishes of most of the pensioners in the State of Michigan, who have personally memorialized me to oppose the abolishment of the pension agency at Detroit, who have been accustomed to doing business there, and who have, by petition and otherwise, asked that that office shall not be abolished. For that reason I propose to vote "nay."

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina to recede from the amendments of the Senate. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). In accordance with my previous announcement as to my pair, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

Mr. McLEAN (when his name was called). I have a general pair with the Senator from Montana [Mr. MYERS], and therefore withhold my vote.

Mr. ASHURST (when Mr. MYERS's name was called). I have been requested to announce that the Senator from Montana [Mr. MYERS] is paired with the Senator from Connecticut [Mr. McLEAN].

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). On account of the absence of the Senator from Maryland [Mr. RAYNER], with whom I am paired, I withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER].

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the Senator from Nebraska [Mr. BROWN] and will vote. I vote "yea."

The roll call was concluded.

Mr. BRANDEGEE. I am informed that I may transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Massachusetts [Mr. CRANE], and will do so and vote. I vote "nay."

Mr. BANKHEAD. I have a pair with the senior Senator from Idaho [Mr. HEYBURN]. I transfer that pair to the senior Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. WETMORE. I announce the general pair of my colleague [Mr. LIPPITT] with the senior Senator from Tennessee [Mr. LEA]. I make this announcement for the day. If present and at liberty to vote, my colleague would vote "nay."

Mr. CHAMBERLAIN (after having voted in the affirmative). I transferred my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Florida [Mr. FLETCHER], but, inasmuch as the Senator from Florida has appeared and voted, I desire to withdraw my vote, and will let my general pair stand.

The result was announced—yeas 24, nays 33, as follows:

YEAS—24.

Ashurst	Johnston, Ala.	Reed	Stone
Bankhead	Jones	Simmons	Swanson
Bryan	Martin, Va.	Smith, Ariz.	Thornton
Fletcher	Martine, N. J.	Smith, Ga.	Tillman
Gronna	Overman	Smith, Md.	Watson
Jonhson, Me.	Pomerene	Smith, S. C.	Williams

NAYS—33.

Borah	Clark, Wyo.	Lodge	Shively
Bourne	Crawford	McCumber	Smith, Mich.
Bradley	Cullom	Massey	Smoot
Brandegee	Cummins	Nelson	Townsend
Bristow	Dillingham	Page	Wetmore
Burnham	Fall	Penrose	Works
Burton	Gallinger	Perkins	
Catron	Kern	Root	
Clapp	La Follette	Sanders	

NOT VOTING—37.

Bacon	Davis	Kenyon	Percy
Bailey	Dixon	Lea	Poindexter
Briggs	du Pont	Lippitt	Rayner
Brown	Foster	McLean	Richardson
Chamberlain	Gamble	Myers	Stephenson
Chilton	Gardner	Newlands	Sutherland
Clarke, Ark.	Gore	O'Gorman	Warren
Crane	Guggenheim	Oliver	
Culberson	Heyburn	Owen	
Curtis	Hitchcock	Paynter	

So Mr. OVERMAN's motion that the Senate recede from its amendments was rejected.

The PRESIDENT pro tempore. The question now is on the motion made by the Senator from North Dakota [Mr. McCUMBER] that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference with the House.

The motion was agreed to.

Mr. McCUMBER. I ask, Mr. President, that the same conferees be appointed.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the same conferees be appointed, and it will be so ordered. The Chair appoints the Senator from North Dakota [Mr. McCUMBER], the Senator from New Hampshire [Mr. BURNHAM], and the Senator from Indiana [Mr. SHIVELY] as the conferees on the part of the Senate at the further conference.

THE COTTON SCHEDULE.

Mr. PENROSE. I ask unanimous consent to make a report from the Finance Committee at this time.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks, out of order, leave to make a report at this time. Without objection, permission is granted.

Mr. PENROSE. I am directed by the Committee on Finance, to which was referred House bill 25034, entitled an act reducing the duties on manufactures of cotton, to report with a negative recommendation.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

The SECRETARY. A bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. PENROSE. Mr. President, I desire to state in this connection that the minority and majority have reserved the right to file reports later, and the Senator from Wisconsin [Mr. LA FOLLETTE], I understand, will have a report of his own to submit.

The PRESIDENT pro tempore. The bill will go to the calendar in accordance with the rule, unless there be objection.

Mr. SIMMONS. Mr. President, I desire to inquire if we can not agree upon a day to vote upon this measure? I would suggest a unanimous-consent agreement to take up this measure on next Friday and vote upon it.

Mr. PENROSE. I hope the Senator from North Carolina will ask unanimous consent that we vote on this bill next Friday before the expiration of the calendar day.

Mr. SIMMONS. I send to the desk a request for unanimous consent.

Mr. WARREN. Mr. President, I shall have to object to unanimous consent, unless it is made secondary to reports from conference committees and appropriation bills.

The PRESIDENT pro tempore. The Secretary will read the request for unanimous consent submitted by the Senator from North Carolina.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 25034) to reduce duties on manufactures of cotton; and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

Mr. GALLINGER. I ask the Senator if he will not make it at a certain hour in the afternoon, say 5 o'clock?

Mr. SIMMONS. That will be satisfactory. I understand the Senator from Oregon [Mr. BOURNE] is very anxious to get through with the Post Office appropriation bill, and desires that the request for unanimous consent be changed.

Mr. BOURNE. I will ask the Senator if he will not make it Monday instead of Friday?

Mr. SIMMONS. Would Saturday suit the Senator?

Mr. JONES. Mr. President, we might as well save a little time. I will not consent to the request for unanimous consent until the Panama Canal bill is out of the way.

The PRESIDENT pro tempore. The Senator from Washington objects.

THE PANAMA CANAL.

Mr. BAILEY. I ask unanimous consent that the Panama Canal bill be voted on, say, on Thursday. That is a bill that ought to be disposed of before we adjourn. It has long been the regular order, and I think its friends are entitled to have a vote upon it. I therefore ask unanimous consent that the Panama Canal bill be voted on next Friday. Then the Senator from North Carolina can renew his request for Saturday.

Mr. WARREN. Let it be the calendar day.

Mr. SIMMONS. I will change the request to Saturday, if that will suit the Senator from Oregon.

Mr. BOURNE. I would prefer to have it Monday.

The PRESIDENT pro tempore. It is impossible for the reporters to hear Senators who interchange their views in a conversational tone. The Senator from Texas [Mr. BAILEY] has the floor.

Mr. BAILEY. Pending the request of the Senator from North Carolina, I ask unanimous consent that the Panama Canal bill shall be voted on before the Senate adjourns on Friday next.

Mr. SIMMONS. Make it the calendar day.

Mr. BAILEY. During the calendar day, of course; I did not state "the legislative day."

The PRESIDENT pro tempore. The Secretary will state the request made by the Senator from Texas.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the

Panama Canal, and the sanitation and government of the Canal Zone, and that before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

Mr. CUMMINS. Mr. President, unless that is accompanied with an agreement that we may take up the canal bill on Thursday, I can not consent to it. It is impossible to predict at this time how much debate will ensue upon its various provisions.

Mr. BAILEY. I would say to the Senator that it is within his power to have it taken up by demanding the regular order, and that will bring it up on Thursday.

Mr. CUMMINS. I do not want, however, to be subjected to that contingency, and I think that must be the view of a good many here. I think we ought to have at least two days for the consideration of the canal bill. We have not touched in the debate upon a single subject in the bill. I should like to see it disposed of; and if we can take it up on Thursday morning, under unanimous consent, and hold it under consideration until disposed of, I am perfectly willing that that shall be done.

Mr. BAILEY. Would this suit the Senator from Iowa: That we take it up immediately after the routine morning business on Friday and then vote on it before adjournment on Saturday? That would give him two days.

Mr. CUMMINS. So far as I am concerned, all I ask is two days for the consideration of that bill.

Mr. BRANDEGEE rose.

Mr. BAILEY. I ask the pardon of the Senator from Connecticut. I was simply trying to help him, and not trying to take his bill out of his hands.

Mr. BRANDEGEE. I appreciate that, and I am only too glad to have the aid of the Senator from Texas. I simply rose to express my entire willingness and earnest hope that the unanimous consent asked by the Senator from Texas may be granted, for I think in two days we can do justice to the bill.

Mr. WORKS. Mr. President, I had expected to make some remarks upon the canal bill at the proper time, but I agree with the Senator from Iowa that if a vote on the bill is fixed for one day, and only that one day is given for debate, it will certainly not give opportunity for some of us who desire to speak to be heard. For that reason I join in the request that at least two days be given for debate.

Mr. BAILEY. Then I will ask the Senator to modify the request so as to provide for two days and dispose of the bill on Saturday.

The PRESIDENT pro tempore. The Secretary will state the request as modified.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; and that before adjournment on the calendar day of Saturday, August 10, 1912, the Senate will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

Mr. SUTHERLAND. I ask the Senator from Texas whether he would not consent to fixing an hour to vote on Saturday—any reasonable hour—say, 6 o'clock.

Mr. BAILEY. I think that would provoke some objection, because it might happen that we could conclude the debate by sitting a little late, and in that way let every Senator have an opportunity fairly to express himself; and we will not be apt to do anything else Saturday, except as to conference reports and such business as that. I hope the Senator from Utah will not insist upon the suggestion.

Mr. SUTHERLAND. I shall not insist upon it; but I think we might fix an hour to vote. I do not think there is a particle of sense in our sitting here until 12 o'clock at night, as we did upon a prior occasion.

Mr. CUMMINS. The proposed agreement is satisfactory now, with this addition, that the bill be taken up immediately after the routine morning business on Saturday. That is not provided for in the agreement.

Mr. GALLINGER. That is understood.

Mr. BRANDEGEE. Let the unanimous-consent request be again reported.

The PRESIDENT pro tempore. The Secretary will again report it.

The Secretary again read the request for unanimous consent.

Mr. BAILEY. That includes the suggestion——

Mr. LODGE. That cuts out the routine morning business on Saturday.

Mr. BAILEY. That includes the suggestion of the Senator from Iowa—to the exclusion of the routine morning business on Saturday.

Mr. CUMMINS. I did not so understand it, and I made the inquiry of the Chair if the agreement was adopted would the bill be taken up automatically Saturday morning to the exclusion of morning business.

The PRESIDENT pro tempore. In the opinion of the Chair the order as just read would require the Senate to continue in its consideration of the measure from the time it was taken up Friday until it was finally disposed of on Saturday.

Mr. GALLINGER. Without interruption.

The PRESIDENT pro tempore. Without interruption.

Mr. CUMMINS. With that understanding and with that interpretation of the agreement, I am satisfied.

Mr. WARREN. Mr. President, I ask for information. I very much want to have an agreement and have this matter disposed of. I want to ask whether it will exclude—it strikes me that it will unless we make an exception—the appointment of conferees, and so forth. We are now here with only four of the appropriation bills signed by the President out of the 13 or 14 annual bills. For instance, suppose the Committee on Pensions were ready to make a report; it would take five minutes; or a bill comes over as to which we would wish to ask that conferees be appointed. It seems to me that in the agreement it ought to be provided that conference reports and the appointment of conferees, and so forth, at least, should be taken care of. Of course if there were a morning hour, it could be done within that. I suggest that modification to the Senator from Texas.

Mr. BRANDEGEE. Would it satisfy the Senator if there were added to the request the words "this agreement does not, however, exclude the presentation of conference reports and the appointment of conferees."

Mr. WARREN. I should be glad, of course, to except appropriation bills, but now I am only making this point. We can at least have these reports presented. I shall make no objection to that.

Mr. BRANDEGEE. Does not the suggestion I have offered meet the views of the Senator from Wyoming?

Mr. WARREN. I think it will be all right.

Mr. CUMMINS. I think the Senator from Connecticut should add "without debate."

Mr. BRANDEGEE. I think, of course——

Mr. CUMMINS. Otherwise we might be engaged all day in the consideration of a conference report, as we have been today.

Mr. BRANDEGEE. I think the unanimous-consent agreement proposed by the Senator from Texas as it stands unquestionably cuts out the consideration of conference reports. I am perfectly willing to have the words "without debate" added to the addition I suggested; that conference reports may be presented and conferees appointed, without debate.

Mr. WARREN. I think there will be no question about that. Some one might ask a question of the Senator making the motion. But, of course, consideration like the one that is now inflicted on the conferees is not expected to occur.

Mr. CUMMINS. All I ask is that debate be excluded, so that if Senators desire to proceed with the discussion of the canal bill, they will not be prevented from so doing by a long debate over a conference report.

Mr. BRANDEGEE. I think that is a wise provision, for somebody might want conferees appointed by the Senate instead of by the Chair, and that might lead to debate; and I should like to have the words "without debate" included in the agreement.

Mr. BRISTOW. I can not consent to this agreement unless it is made for the legislative day, because this I regard as the most important bill before Congress, or that has been during this session, and I am not willing to have its consideration cut off before it is finished. There are a number of very important matters in it, and we may be able to get through by Saturday night, and I hope we will be, but I can not take any chance of having a full consideration of every section of this bill interfered with. I must ask that the unanimous-consent request be so modified that the vote shall be taken upon the legislative day of Friday. Then when we get through we are through.

Mr. LODGE. That makes the agreement worthless.

Mr. BAILEY. I think that is better than to encounter an objection. If we can get through that day, it will take care of the matter. If we can not get through that day, we will be in no worse condition than we would be under the objection of the Senator from Kansas, and, consequently, rather than have the request defeated by that objection, I will say "the legislative day of Saturday."

Mr. WARREN. I can not consent to a legislative day that may last a week or longer, unless——

Mr. BAILEY. The Senator will be in no better condition.

Mr. WARREN. Very well; unless it shall be subject to the consideration of conference reports and appropriation bills.

Mr. BAILEY. That is understood.

Mr. WARREN. No. That has not been understood.

Mr. BAILEY. That has been agreed to and will be a part of the order, if the order is agreed to.

Mr. WARREN. No; only as to the presentation of a report without debate. We have here the Army bill, which must be passed; we have here the Post Office appropriation bill, which must be passed——

Mr. BAILEY. Mr. President, I demand the regular order.

The PRESIDENT pro tempore. The Senator from Texas demands the regular order.

Mr. WILLIAMS. What is the regular order?

The PRESIDENT pro tempore. What is known as the Panama Canal bill. The Chair lays the bill before the Senate.

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. ROOT, Mr. LODGE, Mr. WILLIAMS, and others. Question!

Mr. LODGE. State the first amendment.

The PRESIDENT pro tempore. The Senate will please come to order. The bill is in the Senate as in Committee of the Whole and is open to amendment.

Mr. LODGE. Let the first amendment be reported.

The PRESIDENT pro tempore. The Chair is informed that several committee amendments have not yet been acted upon.

Mr. LODGE. Let the first committee amendment be reported.

The PRESIDENT pro tempore. Which the Secretary will proceed to do.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LODGE. Let the amendment be reported. I ask that the first amendment be reported.

The PRESIDENT pro tempore. That is what the Secretary is about to do.

Mr. LODGE. I think I have a right to have that done before anybody else is recognized.

The PRESIDENT pro tempore. The Senator from Connecticut addressed the Chair.

Mr. LODGE. When a request is made by a Senator occupying the floor that an amendment be stated, he has a right to have the amendment reported before any other Senator is recognized.

The PRESIDENT pro tempore. The Chair did not know for what purpose the Senator from Connecticut rose. It might have been a point of order.

Mr. LODGE. He did not say so.

The PRESIDENT pro tempore. The Chair does not know. If the Senator rose to a point of order, it is the duty of the Chair to recognize him.

Mr. BRANDEGEE. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Connecticut will state his parliamentary inquiry.

Mr. BRANDEGEE. If Senators desire to speak upon the bill before it is read for committee amendments, have they the privilege to do so?

Mr. LODGE. The bill as a whole has been read and is now open for amendment, and I ask that the first amendment be read.

The PRESIDENT pro tempore. What is the parliamentary inquiry?

Mr. BRANDEGEE. My inquiry was, Whether Senators have a right to discuss the bill, as they have been doing, until the amendment has been stated?

The PRESIDENT pro tempore. The bill being before the Senate a Senator has the right to discuss it.

Mr. BRANDEGEE. I asked the question because two Senators, who are members of the committee, inform me that they desire to speak and have prepared speeches. I did not want them cut off if it was possible for them to make their remarks——

Mr. LODGE. There is no rule in the Senate about general debate as there is in the House.

Mr. BRANDEGEE. I do not think I used the term "general debate." I spoke of Senators discussing the bill as a whole, irrespective of the particular amendment.

Mr. LODGE. I think we have reached a stage in the Senate where we can act on the amendments. If Senators desire to address the Senate, they should be here.

Mr. BRANDEGEE. They are here.

Mr. LODGE. Then let them speak. They can speak just as well on the amendment as on the bill.

Mr. BRANDEGEE. Of course, if Senators desire to speak I assume they will. The Senator from Washington advised me he was ready to proceed. The Senator from Louisiana said he would like to say a few brief words on the bill.

Mr. OVERMAN. Can we not take up the bill section by section and dispose of the amendments?

Mr. BRANDEGEE. I am perfectly willing. The bill has been read.

Mr. OVERMAN. We can take it up section by section.

Mr. LODGE. We do not have to vote on each section unless there is an amendment to it. I ask for the reading of the first amendment.

The PRESIDENT pro tempore. The Secretary will report the first committee amendment.

The first amendment of the Committee on Interoceanic Canals was, in section 1, page 2, line 1, before the word "excluding," to strike out "excepting," and in line 7, after the word "and," to strike out "Falmenco" and insert "Flamenco," so as to read:

That the zone of land and land under water of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November 18, 1903, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco.

The amendment was agreed to.

The next amendment was, on page 2, line 22, before the words "by treaty," to strike out "to acquire"; in line 23, before the words "any additional land," to insert "to acquire"; and on page 3, line 2, before the word "exchange," to strike out "may, in like manner" and insert "to," so as to read:

The President is authorized, by treaty with the Republic of Panama, to acquire any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and to exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 14, after the word "until," to strike out "Congress shall otherwise provide" and insert "the courts provided for in this act shall be established," so as to make the section read:

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until the courts provided for in this act shall be established.

The amendment was agreed to.

The next amendment was, on page 4, section 4, line 5, after the word "when," to strike out "in the judgment of the President."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. LODGE. Wait a moment, Mr. President. As I understand, these amendments all hang together, and are necessary to make the amendment proposed by the Senate committee read properly. Are the first amendments unnecessary to the adoption of the principal amendment? Perhaps the chairman would tell me. It seems to me possible that they might all stand together really as one amendment.

Mr. BRANDEGEE. I will state, for the information of the Senator from Massachusetts, that section 4, now under consideration—on the amendment to it as it came from the House—provided for the government of the Canal Zone by a governor to be appointed by the President, and the amendment adopted by a majority of the Senate committee substituted for that program the establishment of a commission of three to govern the canal.

The Senator is correct in his suggestion, that perhaps before these particular amendments and particular lines of the bill are acted upon separately, it would be more logical to consider the whole scheme—whether it should be by one governor or by a commission of three.

Mr. LODGE. I see on examining the text more closely that the first amendment simply changes the phrase, not leaving it to the judgment of the President, but simply says "when the construction of the Panama Canal shall be completed," which is all right, and to which there is no objection. It does not con-

nect with the other. I have no objection to the first amendment being considered. It seems to me quite proper.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The Secretary proceeded to state the next amendment, which was, in line 6——

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The Chair will suggest to the Senator that the bill is in the Senate as in Committee of the Whole, and if there is any trouble, it can be corrected in the Senate.

Mr. LODGE. It is in the Senate as in Committee of the Whole.

The PRESIDENT pro tempore. As in Committee of the Whole.

Mr. LODGE. Certainly.

The next amendment was, on page 4, line 6, after the words "shall be," to strike out "sufficiently advanced toward completion" and insert "completed so as."

Mr. LODGE. Now, I think that does connect with the rest. No; that is all right. There is no objection to it.

Mr. BRANDEGEE. I want to call the attention of the Senator from Louisiana to the language on page 4, line 7, as he suggested to me an amendment that he would like to have appear at that place.

Mr. THORNTON. I have not the bill.

Mr. BRANDEGEE. As I recall, the Senator from Louisiana wanted that changed.

Mr. THORNTON. What does the chairman of the committee say?

Mr. BRANDEGEE. The Senator will remember that he came to me and requested that when page 4 of the bill was reached, in line 7, in lieu of the words recommended by the committee to be inserted, to wit, "completed so as," there should be inserted the words "completed, thereby rendering."

Mr. THORNTON. The chairman of the committee is correct, but since I told him that—some days afterwards—an amendment was filed in the name of the Senator from West Virginia [Mr. CHILTON] by his colleague covering that ground. I then knew nothing of his intention to do that.

Mr. BRANDEGEE. I know that was the fact; the amendment was printed; but I did not see the Senator from West Virginia here to offer the amendment and so I referred to the Senator from Louisiana.

Mr. THORNTON. Then I will offer that amendment to the amendment of the committee.

Mr. BRADLEY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRADLLEY. Are amendments in order on the floor before the amendments offered by the committee are disposed of?

The PRESIDENT pro tempore. The Chair understands that the order did not exclude them, and therefore such amendments are in order. The amendment to the amendment will be stated.

The SECRETARY. In lines 6 and 7 strike out the words "sufficientiy advanced toward completion to render" and in lieu insert "completed, thereby rendering unnecessary," so that if amended it will read:

SEC. 4. That when the construction of the Panama Canal shall be completed, thereby rendering unnecessary the further services of the Isthmian Canal Commission, etc.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The SECRETARY. In section 4, line 9, strike out the word "unnecessary" and insert the words "as now constituted."

Mr. LODGE. Mr. President, I think the words "as now constituted" ought not to be inserted unless we are going to have a commission of three, because then the President is authorized under the bill as passed by the House to go on as described in the part stricken out. That implies continuing the commission in some form. Personally I am in favor of the House provision as against the triple-headed commission. I think if there is anything on earth that ought to be under the conduct of one responsible head it is that zone and that canal.

I do not care to argue it at length, but I do want to have a vote on that clause before it is disposed of.

Mr. BRISTOW. Mr. President, personally I am very much in favor of the amendment which has been submitted by the Senate committee. The construction of the canal has been in charge of a commission consisting of seven members. After it is completed, after the construction work is done, then there will not be needed as large a commission as the present commission. The work is now segregated and subdivided. One commissioner is the chairman of the commission—Col. Goethals. Another commissioner is Col. Hodges, who is the assistant to aid in the construction. Another commissioner is Col. Gorgas, who is in charge of sanitation. Another commissioner is Gov. Thatcher, who is the governor and exercises the civil authority. The other members of the commission are Sibert, Gaillard, and Rousseau, who are engineers engaged in the construction work. After the construction is over there will then be the three departments of government on the zone the same as there are now. At present one commissioner is in charge of sanitation, another commissioner is charged with the civil administration, and five commissioners are engaged in construction; they are engineers. After the construction is completed there will be no need of the five engineers, but there will be need for one engineer who shall have charge of the operation of the canal.

It seems to me that it will be unsafe and unwise to put in charge of one man not only the operation of the canal, which is a technical and professional work, but also the sanitation, which is a department within itself, and the civil government. These three departments of government will be necessary. Those functions will have to be exercised. There is nothing more important than the sanitation of that zone, and for one I am not willing to put into the hands of one man complete control of the operation of the canal, the sanitation of the zone, and the civil administration.

It is the custom, and indeed a growing and popular system of government throughout our country, for the larger municipalities to adopt what is known as the commission form of government. We have the commission form of government here in the District of Columbia and a great many cities have adopted that form. I believe it is a wise form of government. The various departments of municipal government are divided among these commissioners and each commissioner is held responsible for his branch of the service. Reducing the commission from seven to three simply eliminates the unnecessary engineers and retains the commission with its present efficiency, each commissioner performing the responsible duties which he has heretofore performed. It seems to me that it certainly will be the wisest and most desirable form of government.

I know that some of the military officers are anxious that this should be a government of one man who has supreme military authority and that everything else should be subordinate to his wishes and his will, but, in my opinion, we make a grave mistake when we jeopardize the sanitation of this zone by placing that work in the hands of a man whose business it is to operate the canal.

I do not believe that the civil administration there should be placed in the hands of a military officer. There is a strip of land 50 miles long and 10 miles wide. It will be inhabited by thousands of American citizens. The population at the lowest estimate will be somewhere between 20,000 and 30,000. After the employees who are engaged in the construction have been removed and are no longer there, and only those who are used in the operation of the canal, there will be somewhere from 2,500 to 3,500 men, and they and their families will constitute a population of somewhere from 10,000 to 12,000.

Then there are to be towns located; there is to be civil administration; there are to be schools; courts are provided for and different employees; business will be established. There will be a city at each end. Provision is already made for a city on the zone on the Pacific side. For one, I am not willing that that should be exclusively a military government, except as to the operation of the canal; and as far as I am concerned I shall cast my vote and do what I can to have the Senate amendment retained as it is.

Mr. POMERENE. May I ask the Senator a question before he takes his seat?

Mr. BRISTOW. Certainly.

Mr. POMERENE. Do I understand the Senator's position to be that if there were a governor as constituted by the House provision he would necessarily be a military man, or is that discretionary with the President?

Mr. BRISTOW. I think probably that is discretionary with the President. I do not remember just what the House provisions are, but I know the intention of the authorities is that the governor shall be an Army officer, who will be in charge of the operation of the canal, and I am not in favor of providing that the whole civil administration and the sanitation of that Isthmus shall be placed in the hands of the engineer who may be thought the most efficient to superintend the mechanical operation of the canal. I think it is a very grave mistake. You might as well put into the hands of the mayor of a city the entire government of the city where you have a commission form of government.

Mr. ROOT. Mr. President, I am sorry to be unable to agree with the Senator from Kansas [Mr. BRISTOW]. I think he fails to appreciate a very essential consideration in dealing with this subject. Of course, there is, there always has been, and I suppose there always will be, a conflict between two opposing ideas of efficiency and liberty.

We started in this country with a very high development of liberty and government in the original constitution of the State of Pennsylvania—Franklin's idea. That idea prevailed in the old Confederation. The Constitution of the United States was the result of the appreciation of the evils that came from the lack of centralized control, and the pendulum swung over to the other side.

That is going on all the time. You can not have the highest efficiency without concentration of power, concentration of responsibility, and to get that you have to give up something of liberty; you have to surrender something of everybody's right to have his own way in order that you may have efficiency in the highest degree. On the other hand, the universal experience of mankind is that you can not have government in which everybody has his own way and have any degree of efficiency.

Now, that same old question comes up about the Panama Canal. It seems to me, sir, that the American people never have been engaged in any enterprise which called for organization with a view to the highest possible efficiency as does the operation of the Panama Canal, except when we were engaged in war. When we are engaged in war, by common consent the right of individual participation in saying what shall be done in the direction of affairs is surrendered to one single commander. That is because you can not carry on war successfully in any other way.

We have a commission engaged in the construction of the Panama Canal. The work has been done admirably; a very high degree of efficiency has been attained. If you will observe the personnel of the present commission you will perceive that it has been so arranged that the work is practically under a military autocracy.

Col. Goethals is the absolute commander in the Canal Zone. All the tremendous power of military authority is vested in him. The rest of the commissioners are but his assistants. That is the way in which we have accomplished the efficiency. Until we got into that situation we had a rather disquieting and disagreeable state of affairs. We had a number of very able men there; we had commissions attempting to carry on the work in a civilian way, in which each man had his say, and one after another, very able, upright, and devoted men came back from the Isthmus without having accomplished success. It was not until the work was put into military hands and a military officer with the one-man power of control took hold of it that real success in that great undertaking began.

Mr. BOURNE. May I interrupt the Senator?

Mr. ROOT. Certainly.

Mr. BOURNE. Does the Senator from New York think the same condition would exist after the completion of the Panama Canal that existed during the progress of the construction?

Mr. ROOT. Not the same, but equally requiring the highest degree of efficiency. No one would think, sir, of putting a great railroad in charge of three men of equal authority. You put a railroad in the hands of a general manager, and under him are the general superintendent, the master of transportation, the chief engineer, and so on.

Mr. BOURNE. The practical management of the railroad may be put in the charge of the manager, but he is directed by the executive committee or the dominant influence of the executive committee.

Mr. ROOT. We here are the executive committee. We are the board of directors for this transportation company. The Congress of the United States, the committees having within their jurisdiction the affairs of the Panama Canal, and the President of the United States, with such authority as we vest in him, are always present to control the action of the man who has charge of the actual executive work, and if we are going to have efficiency we must put it in the hands of one man.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. I yield to the Senator.

Mr. WORKS. The Senator from New York refers to the head of the organization now as military in its character. I should like to ask the Senator whether he believes in making it military, with a military officer at its head?

Mr. ROOT. I do, sir.

Mr. WORKS. Then, why not be frank about it and so provide in the bill, that there may be no misunderstanding with respect to it?

Mr. ROOT. I do not think it is very material whether we do or not. I think it should be put in the hands of one man, and I shall advise, as I urged in the very beginning of the enterprise, that that one man shall be an officer of the United States.

Mr. WORKS. Mr. President, I think it a very important matter to determine that question. I think it is one that should be determined right here and not leave it to somebody else to determine that question, if that is the judgment of the Senate.

Mr. BOURNE. Mr. President——

Mr. ROOT. I am quite willing to put it so. I yield to the Senator from Oregon.

Mr. BOURNE. Mr. President, I shall interrupt the Senator from New York but a moment. I concur with the Senator that we are in the nature of directors, but I think we have an absolute right to appoint such an executive committee practically to manage the operations of the canal as we see fit. We are not the executive committee; we are the directors; and the general direction, where practicable, should be under such rules and regulations as Congress may lay down, and not such as the commission may prescribe.

Mr. ROOT. Mr. President, what is called an executive committee is a body to exercise the authority of the board of directors when that board is not in session. That is not what is proposed in this amendment; what is proposed is a division of executive power. I beg Senators to consider that there ought to be nothing in that Canal Zone that does not contribute directly to the one great thing that is to be done—that is, the maintenance and operation of the canal. To that should contribute the sanitation; to that should contribute the business; to that should contribute the activity of all the people who live in that zone. We did not acquire the Canal Zone as territory for general purposes; we did not acquire it for the purpose of founding colonies or building cities or maintaining a population; we acquired it solely for the specific purpose of building and maintaining a canal; and no man, woman, or child should be allowed to be in that zone or to do anything there except for that purpose.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Iowa?

Mr. ROOT. Certainly.

Mr. CUMMINS. I should have been glad if the Senator from New York had analyzed the provisions of the House bill and the provisions of the Senate amendment, in order that he might have told us whether there is greater concentration in the House bill than in the Senate amendment. I ask him now this question: All that has been accomplished at Panama has been accomplished with a commission. Technically speaking, the present chairman of that commission, or president of the commission, has no greater authority than has any other member of the commission. If he has exercised more authority—and undoubtedly he has, and it has been a very good thing for this country that he has, in my judgment—it has been solely because he was a dominating intellect and was able through his personal power to impress his will upon his fellow commissioners.

In that connection I beg the Senator from New York to notice that in the House bill the President is authorized to appoint a governor of Panama and "such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, and protection of the canal."

No one of these officers is required to be an Army officer or to have any connection whatsoever with the military arm of the Government. On the contrary, in the Senate amendment the commissioners are three—there may be a dozen under the House provision—but there is an absolute requirement that one of these be from the corps of Army engineers; they may all be from the corps of Army engineers, but one of them must have had experience in sanitation in the Tropics.

Mr. ROOT. One of them must be a civilian.

Mr. CUMMINS. I meant that two of them must be Army engineers or officers, and one of them must be a civilian. Does not the Senator think that this is a far greater concentration of authority than we now have in the law and indeed a greater concentration and more effective organization than is provided in the House bill?

Mr. ROOT. Mr. President, I think it is quite probable that under the provision suggested by the Senate committee the President would create substantially the same kind of relation between the president of the commission and the other members of the commission as that which now exists. I think that is quite probable. I am inclined to think that the necessities of the occasion—the necessities of the work—would require that, as they have required it in the case of the old commission; but I think the House provision more clearly declares the

will of Congress that that shall be done than does the Senate amendment. I think ultimately the same result will be accomplished in either event, for, Mr. President, that work is to be done in the eyes of all the world. We have got to be efficient there or be humiliated. Whatever provision we may make, it will be the duty of the President to see to it that there is a kind of government over the operations of the canal that will produce efficiency. I think the House provision more clearly indicates the will of Congress to have that done than does the Senate provision, although I think any President who was worth his salt would bring about practically the same result under both. That is my view.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

Mr. BRANDEGEE. Mr. President, the amendment of the Senate committee to the House bill was adopted by a majority of the committee. I was in the minority, and I desire to indorse everything that the Senator from New York [Mr. ROOT] has said in favor of the House provision. Referring to the inquiry of the Senator from California [Mr. WORKS], I will say that the bill as it passed the House provides that—

> Any of the persons appointed or employed as aforesaid may be persons in the military or civil service of the United States.

If there is one governor of the canal and of the Canal Zone, as I think there should be in the interest of efficiency, the President could, if he so desired, appoint an Army engineer as the governor of the canal and Canal Zone. Whether he would think it wise or best to do so, I do not know; but the responsibility would be upon him. I have no doubt that if an Army engineer were appointed to govern the zone and to operate the locks of the canal, the work would be just as efficiently done as it has been done during the process of construction by an Army engineer.

I agree with the Senator from New York that, so far as possible, the zone should be stripped of its population, except such as is necessary for the operation and protection of the canal and its works. I think that policy, if it be adopted, will not necessitate the government by any commission.

The suggestion that a sanitary officer will be required upon the Canal Zone, of course, is wise and is evident. There will always have to be a sanitary officer there; but it does not follow at all that because you must have a sanitary officer he must be a member of the commission to govern the Canal Zone and the canal. It seems to me that if the President is responsible, as he will be responsible in the appointment of these men, whether the number be one or three, he is the man the country will have to look to for the wise administration and the successful government of the canal and the Canal Zone. If he appoints a man who does not give good results, of course he can recall him and appoint another.

It may be said that he could do the same if he appointed three men for the work. Of course, that would be true; but I myself see no advantage in complicating matters by providing for a commission under which it might be possible, if two out of three men disagreed with the chairman of the board, that confusion and lack of authority or divided authority might result to the detriment of what I consider to be one of the most important works of the United States.

I hope the House provision will be reinstated in the bill. If that provision should be reinstated, I think there are a few amendments that should be made. They are, however, of a very minor character; but, in general, the House provision, so far as it provides for one governor of the zone instead of three, meets with my approval, and I intend to offer that amendment at the proper time.

Mr. CUMMINS. May I ask the Senator from Connecticut a question?

Mr. BRANDEGEE. Certainly.

Mr. CUMMINS. Under the House provision it would be entirely within his authority, if the President were to appoint an Army officer or any other person and put him in charge of the sanitation of the district, to remove him wholly from the authority of the governor, would it not?

Mr. BRANDEGEE. Yes. I think the House provision contemplates the appointment of as many persons upon the work as the President may think necessary.

Mr. CUMMINS. So that you are not securing here the work of one man. If you want one man to be in charge of this work and all its incidents, why do you not say that he shall have that power and that the President shall not be permitted to appoint another person who shall have complete authority in sanitation, and another person who shall have complete authority in civil matters? It occurs to me that the House provision is susceptible of all the confusion that could possibly inhere in a commission and a great deal of confusion that could not find its way into the work of a commission.

Mr. ROOT. Mr. President, may I suggest, referring to the statement of the Senator from Connecticut that he thought there should be some amendment of the House provision if that were reinstated, that the difficulty mentioned by the Senator from Iowa would be met if, in place of the words "such other persons," in line 15, there were substituted the words "such assistants as he may deem proper." That would leave no doubt of the subordination of the various persons engaged to the general manager of the transportation of the zone.

Mr. CUMMINS. I think, Mr. President, that would remove the objection I have just made. I, of course, do not want to have it understood that I am in favor of a single will upon the Canal Zone. If I had my way about it, I would have the commission to whom was given the maintenance and the operation of the canal absolute; I would have the sanitation and the civil procedure in the hands of the commission. I rather agree with the proposition that, so far as the mere maintenance and the operation of the canal are concerned, there ought to be no disagreeing minds on that subject; but when it comes to the preparation of the Canal Zone for human beings in the way of sanitation, when it comes to the administration of justice among the people who live there, whether through the courts or in any other way, when it comes to the establishment and maintenance of schools, I can see no reason whatsoever for putting that authority into the hands of the man who should be charged with the maintenance and operation of the canal as a mechanical proposition. The duties are very widely different. I think we will have many more than the number of people suggested by the Senator from Kansas. If we fulfill our hopes and pass through that canal eighteen or twenty million tons of freight every year, when we consider all the accessories that will be necessary to take care of the people who pass through there, all the ships which pass through there, and the business which will grow up around Colon and Panama and in the interior, I do not think that all that should be in charge of a military officer. I agree that an Army engineer, or at least such an Army engineer as is there now, is the fittest person in the world to manage and operate the canal itself; but there is no such necessary connection between that management and operation, as it seems to me, to render it desirable to repose the other powers exclusively in the hands of the man who puts the ships through the canal and who is responsible for the maintenance of it in order that it may be in readiness for the ships.

Mr. ROOT. Does not the Senator from Iowa think that there would immediately, or very soon, grow up conflict of jurisdiction? If you have one man managing the operation of the canal, the mere mechanical work of getting the ships through, another man looking after the sanitation, and another man governing and acting as the chief executive of the people who are collected there for the purpose of doing all sorts of things, in the nature of things the line between these different functions must be very undefined and doubtful, and you will immediately have conflicts of jurisdiction, quarrels, and controversies; we will have three men there getting cross-eyed looking at each other, each one afraid that the other is going to get some little more power and take power away from him, and you will have a miserable controversy there all the time, instead of having effective operation of this great work, to which everything ought to contribute. Everything ought to be made subordinate to the successful operation and the continued safety of that canal. The man who operates it has got to guard it. A half dozen sticks of dynamite will blow up one of these locks at any time.

Every activity of that zone should be made to contribute toward the safety, preservation, maintenance, and operation of the canal. Just as soon as you put in three other men, coequal in authority to take care of other things, you have the kind of controversy that destroys efficiency.

Mr. CUMMINS. I think the Senator from New York did not entirely understand my suggestion. I believe if I had my own way I would put the sanitation and civil administration in the hands of the commission—these three—with equal power. The mere management and operation of the canal I would put in the hands of one man, because I think that work demands undivided power. But I take it from what the Senator from New York says that he does not believe there ought to be any courts down there.

Mr. ROOT. Oh, yes; I do.

Mr. CUMMINS. And that these people ought all to be judged by military law in order that there may not be any dissension whatever there, either among the commission or in any other governmental activity. We will have a lot of people there.

and we will have to take care of them according to civil procedure in some respects rather than wholly according to military procedure.

I wish to see the canal itself managed efficiently, and I have no doubt, even if the Senate provision were adopted, the man who is appointed chairman of the commission will exercise a dominating influence precisely as he does now.

Mr. THORNTON. Mr. President, I was one member of the committee who voted with the majority in adopting this amendment. I could not see then, nor am I able to see now, how that provision would interfere in any way with the efficient management of the Canal Zone operation, because if I could see so I would wish to recede from the position I took in the committee.

Now, we all know that practically it has been a one-man power down there, and that was the president of the commission, Col. Goethals, who had most efficient subordinates under him—for they were for all practical purposes subordinates.

The Senator from New York, while admitting that the commission as at present constituted has been practically dominated by the will of Col. Goethals, suggested that was due possibly to his strong personality and his ability to convince his brother members of the commission that he was the best qualified to dominate. That may be so. But I incline much more strongly to the opinion that every member of that commission, while recognizing the fact that greater efficiency, greater unanimity, greater harmony could be secured by paying attention to the wishes of the president of the commission, Col. Goethals, I think in addition to that knew that that was what they were expected to do by their creator, the President of the United States, and that any friction caused by them in undertaking to disregard his wishes would simply have resulted in their being relieved of their positions.

Now, in my opinion, an exactly similar condition will ensue, provided the canal is governed in accordance with the recommendations of a majority of the committee. I believe that the president of that commission, the Army engineer spoken of, will most certainly be Col. Goethals, if he is willing to accept the office. I believe that the sanitary officer provided for in the amendment will most certainly be Col. Gorgas, provided he is willing to accept the commission. The civilian is not so necessary, at least so far as concerns his personality, but I think is very important nevertheless concerning the question of a certain civil or quasi civil administration of the Canal Zone, because even admitting that there will be no one in that zone except the Army and Navy, and the members thereof, and the employees of the government and their families, there will still be a population which will not be less anyhow than 25,000. They have to be provided for in some way. They require schools, and there the work of a civilian comes in. Courts are required, and there the work of a civilian also comes in.

I am not one of those who believe that the zone should be thrown open to settlement. I never have thought, and do not now think, that there should be any occupants of that zone except those who are in the employ of the United States. But even admitting that, I do not see how this amendment can interfere in the slightest degree with the efficiency of the operation of the canal or of the Canal Zone in all of its operations, because it is more than simply the passing of ships through the canal; and in my opinion every necessary work can be subserved by the appointment of a commission such as this. For these reasons I favor the amendment.

Mr. BRANDEGEE. Mr. President, the Senate provision in this section does not show entirely the House bill provision as I think it should be shown. I have taken the House provision, section 4, as to the governor of the Canal Zone, and have interpolated certain verbal suggestions made by the Secretary of War during the hearings, the effect of which is to make the governor not only governor of the Panama Canal, but of the Canal Zone, and to provide that it not only shall be completed and operated through the governor, but also the word "governed," and I have carried those suggestions through the section.

I will send to the desk and ask the Clerk to read section 4 of the House bill with the interlineations I have made, in order that it may go into the RECORD and in order that Senators may understand the complete system provided by the majority.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary proceeded to read section 4, as proposed to be amended.

Mr. BRISTOW. The Senate has adopted amendments changing that language. Does the Senator from Connecticut seek to reconsider the amendment?

Mr. BRANDEGEE. Not to reconsider. I assume that the few amendments which have been adopted—which would be proper provided the amendment recommended by the majority of the Senate committee were to be finally agreed to—will stand only in case the complete scheme provided by the Senate committee is adopted.

Mr. BRISTOW. Certainly.

Mr. BRANDEGEE. And if those amendments which we have been making to-day, in the nature of perfecting the section, are all agreed to, as proposed by the majority of the Senate committee, then I shall offer what I send to the desk as a substitute for the entire section. Thinking they would be in order in that shape——

Mr. BRISTOW. I call the attention of the Senator to the fact that the Senate has adopted the amendments down to line 9, and they relate to an entirely different thing from what we are now discussing. That is a provision for perpetuating the present commission as it is until the canal is completed. The amendment we are now discussing proposes to formulate a government for the canal and the Canal Zone after the completion of the canal.

Mr. BRANDEGEE. Perhaps I did not make myself clear. What I mean is this: Whatever action we shall take upon section 4 in the Senate print of the bill, I propose to offer what I ask the Clerk to read as a substitute for this section, if it be in order.

Mr. CRAWFORD. The Senator wants to get it before the Senate.

Mr. BRANDEGEE. I want to get it before the Senate, and if we do not vote on it to-night, I shall ask to have it printed, so that Senators may see it in print to-morrow.

Mr. BRISTOW. That will necessitate a reconsideration of the amendments we have already adopted or it would have to be offered in the Senate instead of in the Committee of the Whole.

Mr. BRANDEGEE. I do not think it would necessitate a reconsideration.

The PRESIDENT pro tempore. The Senator from Connecticut proposes, as the Chair understands, that after the section has been perfected he will move to strike it out and to substitute in place of it what he proposes to have read.

Mr. BRANDEGEE. Precisely.

The PRESIDENT pro tempore. That would be in order. The Secretary will read as directed.

The Secretary read as follows:

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete, govern, and operate the Panama Canal and Canal Zone, or cause them to be completed, governed, and operated, through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone. Any of the persons appointed or employed as aforesaid may be persons in the military, naval, or civil service of the United States; but the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, and operation of the Panama Canal and Canal Zone shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may, by law, regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per cent the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

The PRESIDENT pro tempore. Does the Senator desire to have printed the section as proposed to be amended?

Mr. BRANDEGEE. I will ask that it may be printed; and of course if we vote on the section before we adjourn to-night the order may be vacated.

The PRESIDENT pro tempore. The order for printing will be entered, in the absence of objection.

Mr. BRISTOW. Referring to the remarks of the Senator from New York in regard to the construction of the canal, I would not take from Col. Goethals any of the honors that are due him, and they are many; but I call the Senator's attention to the fact that there has been no material change in the plan of constructing the canal since the order of the President requiring the commissioners to live upon the Isthmus and since he appointed as commissioners engineers who were required to be there and to attend to their official duties.

The troubles that attended the early days of canal construction were due to the fact that there was appointed a commission

of engineers, as well as civilians, who did not go to the Isthmus at all and tried to construct a canal from Washington.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Virginia?

Mr. BRISTOW. I do.

Mr. MARTIN of Virginia. I did not wish to interrupt the Senator from Kansas, but to make an inquiry of the Senator from Connecticut about the amendment which he offered and which was ordered to be printed. Before it is printed, I want to call his attention to a feature of it which seems to me to be important, and if he concurs in that view the correction should be made before the amendment is printed.

I will inquire of the Senator from Connecticut whether it is the intention by the amendment just proposed to give the governor of the Isthmus a right to hold the office of governor for four years without any power of removal. It seems to me, as I caught the reading of it, while all the other officers in the zone are subject to removal at the will and pleasure of the President, the governor is appointed for four years and there is no power of removal.

Mistakes, of course, are frequently made in the selection of agencies of that character, and it would seem to me very dangerous to have a governor appointed for a term of four years with no power of removal whatever. It seems to me there ought to be the same power of removal in the case of the governor as is given to the President in the case of other employees of the Canal Zone.

Mr. BRANDEGEE. I supposed the President, after he had commissioned a person for a certain term of office, had authority to remove for cause. If he has not, I certainly would not have any objection to having that inserted.

I think the matter was discussed before our committee. I will call the attention of the Senator to the fact that at the top of page 5 the amendment suggested by the committee was that these commissioners, if we have commissioners instead of a governor, shall hold office until their successors are appointed and qualified, which would be quite as secure a tenure of office as the four years' commission of the governor, and that does not provide that they may be removed at any time by the President.

Mr. MARTIN of Virginia. When a man is appointed to office for four years the constitutional provision that he shall hold office until his successor is appointed and qualified does not give the power of removal before the expiration of the term for which he was appointed. I do not say the President may not have that power, but I say it ought not to be left in doubt and make room for controversy in the courts. If it be the purpose of the Senator to give that power, the addition of a few words making it clear might save a great deal of trouble, and, in my judgment, they ought to be inserted.

Mr. BRANDEGEE. I agree with the Senator entirely. I would suggest, after the language in the amendment which I send to the desk, which provides that a governor shall be appointed for four years, that it be provided that he shall be removable at the pleasure of the President. I simply called the attention of the Senator from Virginia to the language in the Senate committee amendment because that is open to the same criticism.

Mr. MARTIN of Virginia. It is open to the same criticism. I think it is best to avoid controversy in respect to it.

Mr. BRANDEGEE. So do I. I quite agree with the Senator.

Mr. BRISTOW. Mr. President, I beg to differ with the Senator from Connecticut as to the indefiniteness of the Senate committee provision. When an officer is appointed by the President, by and with the advice and consent of the Senate, to hold until his successor is appointed and qualified, there is not an officer in the Government who is so appointed who is not removable at the will of the President. The internal-revenue collectors in the various States are appointed under exactly the same provision, and the President can remove them whenever he wants to. It is an indefinite term.

Mr. MARTIN of Virginia. I am not taking issue with the view expressed by the Senator from Kansas, but I say there might be room for some controversy in respect to the language and it had better be removed now than left to construction later.

Mr. SMITH of Georgia. I should like to suggest further that the language, "All other persons necessary for the completion, care, management, maintenance, sanitation, and operation of the Panama Canal shall be appointed by the President, or by his authority removable at his pleasure," would seem to indicate a purpose to draw a distinction between the right of removal of the governor and other persons. If the Senator from Connecticut would, in that portion, provide that the governor and all other persons——

Mr. BRANDEGEE. I am perfectly willing, but I think it makes no difference whether the proviso as to the removal of the governor be separated from that of all other persons or included in it. It is immaterial to me.

Mr. BRISTOW. Mr. President, I was saying before the interruption that the President appointed a commission and required them to live upon the Canal Zone and take an active part in the work of construction. Then the friction which existed prior to that time was eliminated. But the plan of construction that was formulated when Mr. Wallace was the engineer in charge has been practically carried out by the commission that has succeeded him. Mr. Wallace resigned, and he was succeeded by Mr. Stevens. Then there was one change made. A lock canal was determined on instead of the sea-level canal, which had been theretofore contemplated. With that exception, the present plan of construction has simply been the carrying out of that formulated during the régime of Mr. Wallace. There has been no friction other than that incident to all commissions of that kind.

Col. Gorgas has been in charge of sanitation from the beginning. He was sent to the Isthmus when we took control, and he is the one man on the commission whose services date from the beginning of the canal construction down to the present time. I do not know a man who has been connected with the canal construction who has contributed more to the success of that enterprise than he, and I make no exceptions. He has been in charge of the sanitation for 10 years, or almost that period. In the beginning of the construction of the canal there were more men engaged in making the necessary provision for the sanitation of the Isthmus than in construction work, and it was necessary. The attempted construction under the French had failed because of the insanitary condition that existed on the Isthmus and the diseases which prevailed there which swept off the French by the scores and the hundreds. It was through the wonderful sanitary provisions made that has resulted in the success of our enterprise there; and I am not willing that the Army engineer in charge of construction should be placed superior to or given greater praise than the Army medical officer who has been in charge of the sanitation of the Isthmus.

I am not willing to concede that the sanitation of that Isthmus after the canal is in operation is not just as important as the operation of the canal itself, because with carelessness in the sanitary arrangement there disease will come back. There has never been a month when the Canal Zone is not threatened with the same deadly diseases that were so fatal during the French occupation, and I think it would be unwise to substitute a new government in the place of the one we now have, which has worked so successfully.

The canal has been constructed by a commission, not by one man, and just as great wisdom was exercised by the President of the United States in selecting the subordinate commissioners, if they may be so termed, as in selecting the president of the commission himself.

Why is it necessary for us to take any chances by changing the form of government that has been so successful during the period of construction and institute a new one after the construction is completed, when the same conditions will exist that have been met, with the exception that it is to be an operation of the canal instead of a construction of it?

As to the population, there will be a large population on the Isthmus, whether the United States Government retains in its possession every foot of land in the zone or not. I am not disposed to object to the provision of the bill which authorizes the President of the United States to acquire all of the land which we now do not own, and hold it as land belonging to the United States. I believe that possibly is a wise provision, but there will be a large population there.

I talked with a young man but a few days ago who was engaged by a commercial company to represent them in Central and South America on the western coast. He is going to live at Panama, on the Pacific side. He will live at Balboa, on American soil, within the authority of the American Government. There will be hundreds and hundreds of others, unless we intend to bar business men from having representatives live upon the Isthmus, where they can come in convenient contact with their customers in the Central and South American States, which I think would be preposterous, and no one would contend that we should do it.

Now, should an Army officer be in absolute authority as the governor of the zone over the sanitation and the civil administration of affairs where there are thousands and tens of thousands of people living? I think not. Nor do I believe that a

civilian who might be appointed governor of the Canal Zone by the President should have charge of the operation of the canal, because that is a professional and technical business. I think one of the Army engineers should be assigned to that duty.

These three men will be the advisers of the President. If it is feared that there will be friction in a commission, we can by law fix the responsibility of each, but I have thought it wiser to leave that to the President. He can segregate and divide the responsibility of each and assign the duties of each, Congress providing that these three branches of the government shall be represented by these distinct heads.

I am sorry that I can not agree with the Senator from New York [Mr. ROOT] in the view that an arbitrary one-man government is better than a commission government of three. Of course, it has been said that a beneficent despotism is the best government. That may be, but we are not proceeding in this age of civil government along that line.

When we organize a government for the District of Columbia we do not appoint a mayor who will have absolute authority. We have three commissioners, each with his responsibilities. They doubtless have differences of opinion, but each man has his work to do. When a city organizes its commission instead of its council it assigns to each commissioner his duties, and he is held responsible for the administration of those duties.

This provision in the Senate committee amendment is simply in harmony with the modern idea of commission government.

For one, I am not willing that all civil authority shall be subordinate to military authority. I do not believe it would be wise for a President to have solely as his adviser one governor, who is a military officer, and I think it would be very unwise for the supreme authority there over canal operation to be placed in the hands of a civilian. It is as necessary to have the three branches of government there as it can be anywhere. Whatever the decision of the Senate is as to the provisions of this law, I am confident that in its final operation the very necessities of the case will demand that three men be placed in charge of these three divisions. I think the Congress ought to take such position and perpetuate the system which has been so successful up to the present time, and in this reorganization simply eliminate the officers who will no longer be needed after the construction is completed.

Mr. BRANDEGEE. Mr. President, of course it is not proposed to give this governor of the Canal Zone supreme authority over everything. There always have been courts on the Canal Zone, and the bill contains a clause providing for a reformation and readjustment of the judicial system upon the Isthmus. The bill does not compel the appointment of a military officer. It provides for the appointment of an engineer of the Canal Zone, and the President may, if he prefers, appoint a military officer. I do not see anything oppressive about that.

The fact is that those who have had the administration of large affairs far from home, such as the Senator from New York [Mr. ROOT] when he was Secretary of War, the present Secretary of War, the President, who has been Secretary of War, and Col. Goethals himself, all advocate the House provision of the bill, and they were much disturbed at the amendment proposed by the majority of the Senate committee. Col. Goethals in his testimony, taken on the Canal Zone before our committee, said, on page 11 of the book:

> The form of organization I think we ought to adopt is one by which an officer of the Corps of Engineers should be at the head.
>
> The CHAIRMAN. You mean as director?
>
> Col. GOETHALS. As superintendent, or anything you please—the same position as I occupy. He is educated by the Government; is sent down here on a detail, and would be a continuation of the service of canal operation our officers are doing all over the United States. His pay should be a certain fixed percentage over and above his pay received as an officer of the Army of the United States. His assistant should be an officer of the United States Army. I also think civil engineers of the Navy would be fitted for either position. I believe that on his staff should be a doctor from the Army, to have charge of the sanitation of the Canal Zone, reporting directly to him. I believe that the quarantine should be under the Marine-Hospital Service, also Government officials. I believe the hospitals for the health of the employees should be under a doctor of the Army or Navy, as these men are specially trained for that service.

Of course I have never had any experience in administration of this kind. The Senators and the men in public station I have named have had, and I am free to confess, even if my judgment did not agree with theirs, I would be inclined to defer to them. It seems to me perfectly patent that this is the wise thing to do, at least to start the operation of the canal that way, and if upon trial we should want to change the law or to have a commission we could do it at any time. The House of Representatives have thought that way, and the House committee and the officials of the Government in charge of this work think that way.

I sincerely hope that when it comes to a vote the Senate will substitute the amendment I have sent to the desk in place of that recommended by the Senate committee.

Mr. TOWNSEND. Mr. President, I was one of the Members of the committee who voted against the amendment adopted by the committee. I believed then, as I do now, that the principal business we have is the construction first, and then the operation of the canal. I think some Senators and others have magnified the government of that zone until it becomes greater than the canal itself. From some talk that I have heard here and that we hear everywhere it would seem that one of the desires is to take care of some of the gentlemen who have contributed very largely to the construction and the completion of that work.

So far as I am concerned, while I have the greatest respect for all the commissioners, and I believe that some of them, at least those who are necessary, will be retained under any form of government which we may adopt, if they wish to remain, yet I think now that the canal is completed, or at least we are contemplating its completion by this legislation, it is of the utmost importance that the highest efficiency possible should be secured. I submit, Mr. President, that it is my opinion that if there were not in mind several distinguished gentlemen who have worked on that plan and the proposition was up to us unembarrassed or uninfluenced by any consideration of those other gentlemen, there would not be a large minority voting for this proposition. It seems to me that inasmuch as we have carried the work on during the last few years at least practically under one man, although we have had a commission, as the Senator from Iowa, I think, said, under this arrangement the chairman would probably dominate the commission; he would exercise a dominating and controlling influence over those three men. Why not hold him responsible, and him alone, so that there shall be no chance to evade responsibility on the ground offered by the other gentlemen that one man was superior to them in the influence which he could exert? If we place it under the charge of one man we will know to whom we can look in case of failure in any particular.

No man is going to be placed at the head of that commission who does not look after its sanitation, and look after it as well as it is now looked after; no man is going to be at the head of that canal as the governor of the zone who does not look after the civil government, limited as it ought to be down there. It is a great big enterprise, but the territory covered is small. It is not a republic; it is a zone 10 miles wide and forty odd miles long. One man placed in charge, or at least having the responsibility placed upon him, it seems to me, would make for economy; it would make for efficiency. The success of that canal is the thing that we are all working for, as it seems to me, and if we could start it out under some such responsible head, it occurs to me that we could make any changes that experience would demonstrate to be necessary after the canal is completed.

I say this in order to explain the reason I had for voting for the House provision, having in mind all the time, as was suggested in the committee, that the House provision would need some perfecting in order to meet the clearly expressed object of that provision itself.

Mr. CRAWFORD. Mr. President, as a member of the committee, I myself have had very serious doubt as to the propriety of undertaking to establish any permanent commission of three members to have charge of the canal after its completion. The condition of things upon the Canal Zone is unique and interesting. I presume nothing just like it can be found anywhere else upon the earth. Perfect discipline is maintained, laws are enforced, educational facilities are furnished, and the statutory law upon which all of it is based and goes on is very scant indeed. It practically all rests upon Executive order. A system of civil law is in force, a civil code and a criminal code exist, not by virtue of any specific enactment by the Congress but as a result of Executive order. The most perfect organization has been developed that can be found anywhere in this world. That organization has been the result of an adaptability of men for the particular places which they fill.

I discovered, as I think other visitors did, soon after we arrived on the Isthmus in a trip down there, that underneath the smooth running of this organization there was a certain amount of suppressed jealousy, if you might call it that; but, because of the fact that the men in charge felt their responsibility and were trained men of a military caste, those jealousies were kept in the background and the work was allowed to proceed without friction in any way becoming dangerous to its progress. I think no visitor could be there more than 24 hours without discovering that, no matter what the formal name of

the organization might be, one man was in fact in charge of it, and that the will of that one man controlled its movements. I believe that had the men in charge there been civilians who had not been trained and disciplined as the skilled Army officers there are, this suppressed jealousy, that did not become strong enough to obstruct the smooth running of things down there, would have done so and a great deal of trouble would have followed.

As has been said, we are not in possession of the Canal Zone for the purpose of opening up homesteads and establishing commercial communities. We acquired it for the purpose of building and operating a canal, and should we ever abandon the operation of a canal our right of sovereignty in the territory would cease. The whole thing rests upon the fact that we are in possession there for the purpose of maintaining and operating the canal. I believe that Col. Goethals's advice is worthy of the most serious and profound consideration when he says that he would remove from the Canal Zone the natives who inhabit each side of it along the canal, take their little holdings, pay them, put them off, and allow the canal strip, outside of the necessary towns, to grow up into a jungle because, in his opinion—and I am profoundly impressed by it—the safety of the canal itself will be promoted by just such a condition as that. If we are to permit a motley collection of irresponsible people of all colors, shapes, and sizes to live along the banks of the canal and within the Canal Zone, enemies of the United States, enemies of the canal, with a design to do it injury, they may find just the character of surroundings they are looking for if they should desire to lurk in the vicinity for the purpose of doing any harm.

Mr. OVERMAN. Mr. President, if the Senator will yield to me for a question, under present conditions, with a strip a few miles wide and jungles on each side, what is there now to prohibit an enemy from coming in and doing the damage to which the Senator refers?

Mr. CRAWFORD. I do not know that there is anything; but I am calling attention to the condition that Col. Goethals, in his testimony, advises us would be the best condition for the safety of the canal. It is that each side of the canal between Ancon and Colon be a jungle, with a strong fortification at each end, and the territory between the termini practically uninhabited. He advised that as the best course for the safety of the canal itself. If that condition should exist, we need only the most simple form of civil government in the Canal Zone.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Kansas?

Mr. CRAWFORD. Yes.

Mr. BRISTOW. I desire to state to the Senator that the Senate committee concurred in that feature of the House bill, that the United States Government should acquire the land on each side of the canal, and no provision is made for its sale, so that the question as to whether or not the natives should be permitted to live there, so far as Congress is concerned, has been left with the President. The question involved in this amendment is what shall be the nature of the government for the people who must live there in the towns which we are establishing.

Mr. CRAWFORD. Certainly; that is what I am going to discuss.

Mr. President, if that view meets the approval of Congress, and the jungle is allowed to grow up on each side of the canal between the termini, there will be no large population anywhere within the zone, except in the communities at each end of the canal, Colon and Panama, which, of course, are under the general control of the Panama Republic, and perhaps at Christobal and Ancon, which will be within the zone. We will, of course, have certain sanitary regulations and police regulations over Colon and Panama, but they are within the Panaman jurisdiction, as all other towns will be with the two exceptions I have named.

When the 25,000 employees who are now engaged there have finished their work, on the completion of the canal, they will vanish; the American engineer, the American workman will come back to the United States; the Spanish laborers will go home; the negro laborers from the adjacent islands will go back to Jamaica, or wherever they came from, and those who remain will go into the jungle outside of the Canal Zone, so that the present population of laboring men now there will have disappeared in a short time. When the population of the Canal Zone will be largely confined to the cities at each end of the canal and the intervening territory is allowed to grow up in a jungle, why will we need a division of responsibility there?

Even under the provisions the Senate has recommended it is going to be a one-man government in this—that it will be in the hands of the President of the United States to appoint and remove at pleasure. He can appoint the governor and remove him at pleasure, and he can appoint the other officers and remove them at pleasure. It will be a one-man government, and necessarily so, under the circumstances, as it is now a one-man government, but it will not run so smoothly as the present one-man government if you undertake to establish three heads to it and have questions of power and jurisdiction arising between these individuals.

Members of the Senate should remember that that isthmus lies a couple of thousand miles away from the Capital of the United States; the people there can not appeal to Congress and get relief for the little grievances and disturbances that are bound to come up every once in a while, and the simpler the form of government and the higher the degree of efficiency for the purpose for which it is established the better it will be.

I notice in section 7, with reference to the rights of individuals, their protection in civil and in criminal courts, as has existed heretofore under the law, there will be a provision for the appointment of magistrates; their jurisdiction will be clearly defined; they can try civil causes; they can try criminal causes, and the right of appeal will lie in cases of certain importance to the courts of the United States; so that under this system there is no chance for an arbitrary tyrant or czar to ride roughshod over those people in their property rights or personal liberty. But instead of having three heads, three coordinate branches in authority over a little strip of country 2,000 miles away, over which we are exercising control for one purpose only, namely, the operation of a canal—instead of dividing the governmental authority into three divisions I think the House provision is the better, and simplifies matters by providing one head who shall be given necessary and adequate assistance. No one for a moment will think that by putting a governor there he will do away with sanitation; that he will neglect to employ a competent physician or health officer and put him in charge of the sanitation of the Canal Zone. It is certainly hardly a fair presumption to assume that one man placed in that responsible position will neglect to make the appointment of magistrates to enforce the laws; but there will be a single head to the government. I think conditions in that country so far from home require single responsibility, and I believe that high efficiency will be better promoted by the principle of the House bill than by the division of power contemplated by the Senate amendment.

Mr. THORNTON. Mr. President, I should like to inquire of the Senator before he takes his seat whether he supposes that the governor of the Canal Zone, who necessarily would have to be an engineer of high standing, and who would appoint the sanitary officer and the civilian, would undertake to interfere or to direct the operations of those officers? For instance, does he suppose for a moment that Col. Goethals now would undertake to suggest to Col. Gorgas the proper methods to be used for sanitation, knowing as he does that he is not qualified by his training to judge of such matters, while the sanitary officer in charge is so qualified; or does he suppose that Col. Goethals would undertake to make suggestions to the officer in charge of the civil administration as to how he should conduct that service, knowing perfectly well that he is not qualified by training for that any more than is Col. Gorgas; or that the present governor would undertake to make suggestions to Col. Goethals as to what to do in the present digging of the canal or in its operation after it was completed?

Mr. CRAWFORD. I am sure I do not know how far these gentlemen might go in suggesting to each other the matters of detail in connection with the execution of their duties. But I do know——

Mr. THORNTON. I think it will go on just exactly as it is going on now. Col. Goethals is not undertaking to suggest to Col. Gorgas, the sanitary officer, what he should do, and the same thing would happen under the new government, assuming that the Senate acts favorably on the Senate committee amendment, and the same thing would go on in the future, just exactly as it has done in the past, and there would be no friction at all.

Mr. CRAWFORD. I will say to the Senator, from what opportunity I had to make observations when I was there, I personally am inclined to believe that there is some ground for apprehension that there would be more or less friction in that form of government. Now, of course, after all these years practically all of these questions regarding details in administration, in sanitation, in discipline have been settled.

Col. Gorgas is entitled to the greatest credit and all the honors that can be bestowed upon him for what he has done, not

only on the Isthmus but in Habana and elsewhere in Cuba. And yet the rules and methods he has applied to bring about these conditions are now well known; and I dare say if Col. Goethals should die to-morrow, and if Col. Gorgas should go to his long rest to-morrow, the organization they have established there, the men who have grown up under them there and executed their orders and know what the remedies and the system are, could carry on that work, and we would hardly know, so far as the future is concerned, that they had disappeared. It seems to me from this time on, or after the canal is completed, the question is one of simplicity and effectiveness, and personally I believe that both would be promoted by having the matter in one man's hands.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Wyoming?

Mr. CRAWFORD. I do.

Mr. WARREN. I agree with the idea expressed by the Senator from South Dakota that there should be a one-man head. We must have, in order to have good government, one executive and not three. It is true that whoever may have that place would have to depend for sanitation, for instance, upon those who understand it, and he would be able to command the assistance that he might wish; the same as to other branches of the work.

We do not have three Presidents of the United States; we have one President and his corps of assistants, known as the Cabinet. We do not have three or four commander generals of the Army of equal rank; and I do not believe any business can be carried on in a businesslike way, economically and forcefully and up to date, unless we have an executive head.

It is true that with a board of three or a board of more one man may be chairman, but in the visits I have made to the canal and in the reports I have had from time to time—and I have given them considerable attention—there have been times when there were very broad differences and a great deal of friction. It has been eliminated, more or less, but at the same time there have been some burning spots all the way through.

The canal is a military affair; a military asset. I listened to Col. Goethals one evening—and he is as able in expressing his ideas as he is in digging the canal—and there were present 140 members of the American Engineers' Society. The question whether the canal would pay came up—the question as to its commercial value—and he was frank enough to put it at once: "It is a military asset. While it is a measure of commercial value, its main and intrinsic value is the protection of the United States." And when the matter of battleships arose the question was put to him, "If $400,000,000 is necessary to build the canal, why not spend it in battleships?" and he remarked at once, "A battleship costs $10,000,000, and in five years it is on the scrap pile. We want battleships, but we want this canal through which to transport them from ocean to ocean, so we can quickly meet a foe approaching us from either east or west."

We want a government at the Canal Zone in the nature of a military government. We want it strong. We want it focused in one head. We want the assistants, whether commissioners or others, if put there for specific purposes, to report to the one head. It may be very necessary to have a good cashier or a very good bookkeeper, but it is not necessary that he should have equal rank with the president of a bank or any other business concern. It is indispensable from my point of view that we have one head with the proper assistants.

Mr. OVERMAN. I desire to inquire of the chairman of the committee how he construes the language between lines 6 and 8:

> Any of the persons appointed or employed under the provisions of this act may be persons in the military, naval, or civil service of the United States.

Does that mean that the President, in his appointments, shall be confined to the Army, Navy, and civil service of the United States?

Mr. BRANDEGEE. It never would have occurred to me that it meant that, and I should be opposed to it if I thought it did mean that.

Mr. OVERMAN. Does not the Senator think it means that?

Mr. BRANDEGEE. No. I think it means that the people down there, the officials on the canal, may be appointed from the Army or the Navy on a detail, and if they are, the amount of their official salary there shall be deducted from that which is paid them as their regular Army and Navy salaries.

Mr. OVERMAN. It looks to me like it provided for the appointment—I did not read all of it; my eye happened to glance at the words "persons in the military, naval, or civil service of the United States."

Mr. BRANDEGEE. They may be; that is, that officers of the Army and Navy and persons in the civil service should not be excluded. That would be my interpretation.

Mr. OVERMAN. Why should they be mentioned? The very fact that you mention them might be construed to mean that otherwise they would be excluded. If you said nothing about them, they could appoint whom they pleased, but having mentioned them from the Army and the Navy and the civil service there is danger of that interpretation. I think the words should be "civil life," instead of "civil service."

Mr. BRANDEGEE. Perhaps the word "service" should be changed to "life."

Mr. OVERMAN. You can have "civil service," too, but add "from civil life," so as to read "from civil life or the civil service of the United States."

Mr. BRANDEGEE. I am perfectly willing that the Senator should make that amendment. It never occurred to me. That was the language in the House bill, and it did not occur to anybody in the committee that it was anything but permissive; that is, that the Army and the Navy should not be excluded. I am perfecly willing to have it read "from the Army or Navy or civil service or from civil life," if the Senator will suggest that as an amendment.

Mr. BURTON. I think the paragraph is in a degree susceptible of the interpretation placed upon it by the Senator from North Carolina. A very simple amendment would make it clear, so as to read:

> If any of the persons appointed or employed under the provisions of this act shall be persons in the military, naval, or civil service of the United States—
>
> Strike out the word "but"—
>
> the amount of the official salary paid to any such person shall, etc.

It is perfectly clear why this provision was inserted here. It was to adjust the salaries of persons chosen from the military naval, or civil service of the United States; but in view of the fact that "may" is so often interpreted "must" or "shall," the provision as it is now creates a certain degree of ambiguity.

Mr. BRANDEGEE. I think the suggestion of the Senator from North Carolina is prudential, and I think the remedy proposed by the Senator from Ohio is a perfect one. I therefore suggest that the Secretary at the desk, in line 13, before the word "any," on page 4, insert the word "if," and, in line 15, strike out "but."

Mr. BURTON. One other correction is necessary. In line 7, instead of the word "may" insert "shall be," so as to read "shall be persons in the military, naval," and so forth.

Mr. BRANDEGEE. I was reading from the House print and therefore my reference to the page is not correct. I will ask the Secretary to state it.

The SECRETARY. On page 5, line 6, before the word "any," insert "if," beginning the word "any" with a small "a"; in line 7 change the word "may" to "shall"; and, in line 9, strike out the word "but"; so as to read:

> If any of the persons appointed or employed under the provisions of this act shall be persons in the military, naval, or civil service of the United States the amount of the official salary paid to any such person shall be deducted, etc.

Mr. CUMMINS. I do not understand the application of that part of the bill to the civil service. Is it possible that a person could be appointed from the civil service to a position created by this act and still continue to receive the salary which he formerly received under the civil service and under a former appointment? There is no provision of law for any such transfer. If he is appointed to a position under this act, he at once, of course, abandons his position in the civil service.

Mr. BRANDEGEE. Of course, Mr. President, I do not suppose that if anybody is appointed from the civil service here his salary as such official in the civil service would go on and he would get another salary down there.

Mr. CUMMINS. No.

Mr. BRANDEGEE. It may be that the provision in the House bill which provides as to the amount of the official salary paid to any such person, when it alludes to the military and naval and civil services all together, is not a proper one.

Mr. CUMMINS. I think that applies properly to the military or naval service, but it does not apply properly to the civil service.

Mr. BRANDEGEE. I think the Senator is correct about that.

Mr. BURTON. I suggest a possible explanation of that. If a person were transferred from the auditing department of the Treasury, as in the case of transfers made to Cuba, it would be temporary in its nature, but that is not what this bill means. This bill means an absolute transfer which would seem to involve the loss of his position in the civil service.

Mr. CUMMINS. It might not involve the loss of his position as a civil-service man or as a classified employee, but it would at once involve the loss of his former salary. It would terminate, and he would get whatever salary was given in his new position under this proposed act.

Mr. NELSON. In the phrase commencing with the word "any," in line 6 on page 5, I suggest that, before the word "any," the word "if" be inserted, so that it would read:

If any of the persons appointed or employed under the provisions of this act may be persons in the military, naval, or civil service of the United States—

I think the wiser way would be to put in the word "or" between the words "military" and "naval" and strike out "civil service." It would then read:

If any of the persons appointed or employed under the provisions of this act may be persons in the military or naval service of the United States—

The word "but" should be stricken out—

the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation.

That makes it consistent and makes it read in a proper manner. I suggest that amendment.

Mr. OVERMAN. Strike out "or civil service of the United States."

Mr. CRAWFORD. I suggest that the word "may" should be changed to "shall."

Mr. NELSON. "May" is sometimes construed to be mandatory.

Mr. BRANDEGEE. I was going to ask the Secretary, if he had it in mind so that he could report it, as I did not follow, please to do so.

The PRESIDENT pro tempore. The Secretary will report the proposed changes.

The SECRETARY. So that it will read:

If any of the persons appointed or employed under the provisions of this act shall be persons in the military or naval service of the United States, the amount of the official salary paid—

And so forth.

Mr. BRANDEGEE. I think that expresses the idea.

Mr. NELSON. That makes it clear. That covers the point.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been suggested.

Mr. CUMMINS. There is an amendment pending, I believe.

The PRESIDENT pro tempore. There is.

Mr. CUMMINS. And this is sort of superimposed upon it. I have no objection to this particular amendment, but I did not want it to be forgotten that we had an amendment pending.

Mr. BRANDEGEE. The Senator from North Carolina [Mr. OVERMAN] drew attention to this matter somewhat in advance.

Mr. OVERMAN. If the Senator from Ohio will accept that amendment——

The PRESIDENT pro tempore. The amendment is not now in order. The pending amendment is one on page 4.

Mr. CUMMINS. Mr. President, I desire to make an inquiry here, and possibly to ask the consent of the Senate to the consideration of that amendment with the amendment proposed by the committee, from line 18, on page 4, to the end of the italics in line 6, page 5. They ought to be considered together, because they relate to the same subject, and it would not be intelligible to adopt one without also adopting the other.

The PRESIDENT pro tempore. If that is the sentiment of the Senate, the Chair will put the amendment that way.

Mr. BRANDEGEE. I was going to suggest to the Senator from Iowa that if the House provision should be restored in accordance with the amendment I sent to the desk, these words would be just as necessary.

Mr. CUMMINS. That is true, but we ought to have an opportunity to perfect this amendment. I have an amendment to offer to the amendment proposed by the committee, and before the substitution is voted upon, which, I take it, would end the matter, I should like a chance to offer the amendment perfecting the amendment presented by the committee.

Mr. BRANDEGEE. Of course, the Senator has that right, but I understood the Chair to rule that this amendment is not now in order; that the pending amendment is the amendment on page 4.

Mr. CUMMINS. Precisely. I ask consent that that amendment—that is, the insertion of the words "as now constituted"—shall be considered in connection with the proposed amendment of the committee from line 18 on page 4 to line 6 on page 5.

The PRESIDENT pro tempore. If it is agreeable to the view of the Senate, the Chair will treat it as one amendment.

Mr. CUMMINS. As one amendment.

The PRESIDENT pro tempore. Beginning at line 9, to strike out the word "unnecessary" and insert the words "as now constituted," and then to strike out the succeeding seven or eight lines as marked in the bill and insert the words in italics between line 18 on page 4 and line 6 on page 5. The Chair will treat it as one amendment; and that being the case, the amendment now proposed by the Senator from Iowa will be in order.

Mr. CUMMINS. I present the followig amendment.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. On line 20, page 4, amend the part proposed to be inserted by the committee by inserting, after the word "reorganized," the words "and who shall have control of the maintenance and operation of the canal," so that it will read:

One chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized and who shall have control of the maintenance and operation of the canal, one experienced in the work of sanitation in the Tropics, and one civilian.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from Iowa to the amendment proposed by the committee.

Mr. NELSON. I suggest that the word "sole" be inserted before the word "control."

Mr. CUMMINS. I am quite willing to accept that modification. That is what I supposed the amendment I sent to the desk to mean. It emphasizes it and I am quite willing to accept it.

Mr. BURTON. Mr. President, I can reach no conclusion except that the House provision is better than the proposed Senate committee amendment. I say that with the utmost regard for the careful attention given to it by the Senate committee.

It seems to me in our discussion there has been some misapprehension of the meaning of the House provision. It does not mean that the governor shall be a dictator. He can not say that a man must go to prison. He is under well-defined restrictions. The bill most carefully provides for the creation of a district court, the incumbent of which shall be appointed by the President. It provides for the making of regulations by the President. It recognizes the fact that there is already a code of laws in force on the Isthmus. It clearly has in view the performance of executive functions alone. In the performance of those executive functions the management and operation of the canal would assume so great importance that he who has charge of that branch of the work is entitled to be governor of the zone. That looms so much that everything else must be subordinate to it.

I am inclined to think there is some degree not of vagueness but of insufficiency in the provisions on page 5 in the definition of the duties of other employees. It is, of course, intended that there should be some one in charge of sanitation, and there may be other duties to perform. It is for Congress to define the duties of each of these officials, although that duty is in the first instance imposed upon the President.

I am a very decided believer in the idea of a single executive instead of a triple-headed body. If the provision as given in the Senate committee amendment should be adopted it would not be in the power of the president of the commission to determine the control and operation of the canal. His action might be overruled at any time by the other two members of the commission. He could not choose the lock tenders; he could not determine the method of operation or the general management of the canal without the concurrence of the two other commissioners.

Mr. CUMMINS. Mr. President, the Senator from Ohio is asserting a principle to which I can not agree. Does he believe that in the government of our States there should be no secretary of state, no auditor of state, no superintendent of public instruction?

Mr. BURTON. By no means.

Mr. CUMMINS. All these are executive officers. Why not allow the governor to perform the functions of all these officers? The officer who is here described as a civilian is to have charge of the schools of the zone and the general civil welfare. That has really nothing whatever to do with either the maintenance or the operation of the canal.

Mr. BURTON. I have not succeeded in making myself clear. I certainly believe in other officers in the State, a secretary of state, a superintendent of instruction, and so on; but I do not believe in a collegiate body, such as this amendment would create, in which the secretary of state, the superintendent of instruction, or other State officials engage in deliberations with the governor and have just as much power as he has. Under such a plan we would have three commissioners, and in deter-

mining the management of the canal those two would have the power to overrule the ruling of the president himself.

Of course, the question of commission government has been very much discussed, and also the so-called federal plan in cities, which has been largely adopted, under which all responsibilities center in the mayor. We have the appointment of the director of public works, the director of safety, and director of law much after the form of the Cabinet of the President. The object of that is to center responsibility and control in one man, so that the people may know with whom they may find fault.

Mr. CUMMINS. The Senator from Ohio is mistaken about the commission form of government, at least so far as it generally prevails in this country. The mayor has not the power to do these things. The commission itself determines as to which of its members shall have charge of this department or that department. At least that is the case in the city of Des Moines, which, I believe, was the first city in the country that adopted the so-called commission form of government.

Mr. BURTON. The Senator from Iowa misunderstood me. I stated that there were two forms of government—one the commission form of government and the other the so-called Federal plan. I described the Federal plan.

Mr. CUMMINS. I did not understand the Senator.

Mr. BURTON. Under the commission form of government there are three. The main difference between the Federal plan and the commission form of government is that the latter does not include a legislative body. There is still a legislative body under the former, while the latter, the commission form of government, vests in the three commissioners the power vested in the legislative body as well as that ordinarily vested in an executive body.

There is a very wide difference between this Canal Zone, however, and the ordinary municipal government. The municipality is an organized public center. There is an electorate alert and awake to watch those who rule them and the press to criticize. Then, in addition to that, there are taxpayers whose rights are involved.

Mr. GALLINGER. This is not true of the District of Columbia, if the Senator will pardon me.

Mr. BURTON. There is at least a press. There is a legislative body—that is, Congress—and there are the three commissioners. The District of Columbia does not have the modern type of commission government. It is of its own class. There is no other like it.

Mr. GALLINGER. I assume Congress is the legislative body of the Canal Zone.

Mr. BURTON. It is rather remote from the scene of action.

Mr. NELSON. Mr. President, I should like to make a suggestion to the Senator from Connecticut. It is now 10 minutes after 6. I would be very glad if he would move to adjourn until 10 o'clock to-morrow.

Mr. BRANDEGEE. I was going to do that, but before that is done the Senator from New Hampshire [Mr. GALLINGER] wishes to offer an order.

HOUR OF MEETING.

Mr. GALLINGER. I offer an order. I ask that it be read.

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

Order, That the daily meetings of the Senate shall be at 10 o'clock a. m. until otherwise ordered.

Mr. OVERMAN. There are to be night sessions?

Mr. GALLINGER. It is quite probable that this will tend to prevent them. I ask for a vote on the order.

The PRESIDING OFFICER. The question is on the adoption of the order just read.

The order was agreed to.

THE PANAMA CANAL.

Mr. ASHURST. Mr. President, I ask unanimous consent that I may print in the RECORD a very illuminating editorial from the New York American of date of July 16, entitled "The Panama Canal; It is Ours, not England's."

Mr. BURTON. I should like to ask the Senator from Arizona if it is true that the proprietor of the American has repudiated an alleged interview? Is that the interview?

Mr. ASHURST. No; this is an editorial.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arizona?

Mr. BRANDEGEE. I shall not object, but I will say to the Senator that I have a wastebasket upstairs filled with editorials from all the papers of the country on various sides, and I am not going to ask to have them printed in the RECORD.

Mr. ASHURST. If the distinguished Senator from Connecticut had read this editorial he would not have thrown it in the wastebasket; he would have preserved it.

Mr. BRANDEGEE. I shall not object to the Senator's request.

Mr. WILLIAMS. If the Senator from Arizona was speaking and desired to insert it as a part of his remarks or to read it to the Senate, I should not object; but if we begin the business of just permitting editorials independently of speeches to be inserted in the RECORD, I do not see much end to it. I shall object.

Mr. ASHURST. Mr. President, I will not embarrass the Senator by insisting that it be printed. I will withdraw it.

Mr. WILLIAMS. The Senator can bring it in afterwards—some time in the course of a speech, or something of that sort.

Mr. ASHURST. I withdraw the request. I will not offer anything that might be objectionable under the rules or to the distinguished Senator from Mississippi.

Mr. THORNTON. Mr. President, I wish to give notice that at the close of the routine morning business to-morrow I desire to address the Senate on the Panama Canal bill.

The PRESIDENT pro tempore. The notice will be entered.

Mr. JONES. Mr. President, I desire to state that at the conclusion of the remarks of the Senator from Louisiana [Mr. THORNTON] I will submit some remarks to-morrow on the Panama Canal bill.

The PRESIDENT pro tempore. The notice will be entered.

SCHOOL LANDS IN ARIZONA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions, which was, on page 2, line 3, after "act," to insert: "*Provided further*, That no more than 2,000 acres of such lands shall be selected under the provisions of this act."

Mr. SMITH of Arizona. I move that the Senate concur in the amendment of the House.

Mr. SMOOT. Does the Senator remember how many acres are in that reservation?

Mr. SMITH of Arizona. Some six or seven thousand, in my judgment, and the amendment limits it to 2,000.

Mr. SMOOT. Why was it limited to 2,000 acres?

Mr. SMITH of Arizona. Because the gentlemen in the other House simply put it as an abstract matter, without any reason that I could see, and insisted on it. They would not consent to the passage of the bill unless that limit was made. The Secretary of the Interior had recommended a larger quantity.

Mr. SMOOT. The Secretary of the Interior recommended that all be selected?

Mr. SMITH of Arizona. I know; but this was the only way of getting it through.

Mr. SMOOT. The Senator feels that he is justified in accepting that limitation?

Mr. SMITH of Arizona. Yes, sir; it is all I could do.

Mr. SMOOT. I would not agree to it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arizona that the Senate concur in the amendment.

The motion was agreed to.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 6, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 5, 1912.*

The House met at 12 o'clock noon.

Prayer was offered by Rev. William Couden, of Norwalk, Ohio, as follows:

Thus far, dear Lord, Thou hast led us on. And after the sweet day of rest Thou gavest, we face the opportunities and duties of a new week. We thank Thee for all Thou hast done for us and bestowed upon us. We confide in Thee, because Thou art more interested in us than we are in ourselves, and Thy wisdom is infinitely transcendent. Help us, therefore, in all our thoughts and affairs to keep close to Thee, to fulfill Thy perfect will in love to God and love to man. Hear and answer our prayer according to the depth of our needs, and the reach of our hopes, and the love of Jesus our Redeemer. Amen.

The Journal of the proceedings of Saturday was read and approved.

CONTESTED-ELECTION CASE OF JODOIN AGAINST HIGGINS.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent that the report in the case of Jodoin against Higgins from the Committee on Elections No. 3 be printed in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD the report of the Committee on Elections No. 3 in the case of Jodoin against Higgins. Is there objection?

There was no objection.

The report is as follows:

[House Report 1136, Sixty-second Congress, second session.]

RAYMOND J. JODOIN AGAINST EDWIN W. HIGGINS.

Mr. GOLDFOGLE, from the Committee on Elections No. 3, submitted the following report (to accompany H. Res. 661):

The Committee on Elections No. 3, to whom was referred the contested-election case of Raymond J. Jodoin against Edwin W. Higgins, from the third congressional district of Connecticut, having duly considered the same, respectfully report:

After the contestee served his answer to the notice of contest, both parties and their several attorneys entered into a stipulation, dated March 16, 1911, in which, among other things, the following was stated:

"That in many voting districts it is probable that the moderators were mistaken in their decisions as to the validity or invalidity of ballots cast for said office of Representative in Congress from said district, and that without opening the boxes and examining the ballots therein it is impossible to determine the extent of such mistaken decisions.

* * * * * * *

"That it is impossible to tell with accuracy what ballots have been improperly counted or rejected for the contestant or contestee without opening said boxes and examining said ballots.

* * * * * * *

"That said contestant desires that said boxes be opened and said ballots examined and recounted and that the lawful and correct count of said ballots be ascertained thereby, without objection on the part of the contestee.

* * * * * * *

"That said contestant and contestee waive any question of formality or sufficiency of the pleadings as to said matter of contest and agree that all issues are properly raised and presented for the opening of said ballot boxes and for a recount of all the ballots cast at said election for the office of Representative in Congress for said congressional district in said Sixty-second Congress.

* * * * * * *

"That said contestant and contestee stipulate and agree to waive any and all claims which they or either of them might make under any of the pleadings or any part of the proceedings for the determination of said question, so that a full recount of all ballots cast for Member of Congress from said congressional district in said Sixty-second Congress may be had."

At the hearings before the committee counsel for the contestee in substance reiterated the willingness of the contestee that the ballots be recounted.

The evidence taken before the committee disclosed the fact that under the law of the State of Connecticut a recount of ballots could be had only if an application for such recount, founded on facts sufficient to justify the application, was made within three days after the election by an elector in the town in which the recount was desired. Under this law the elector in the town of Plainfield applied within three days after the election. The application was granted and the contestant (Jodoin) on such recount gained three votes in that town, thus reducing by that number the majority with which Higgins had been credited.

The third congressional district of Connecticut is composed of 36 towns. In no town other than that of Plainfield was an application for a recount made.

It was expressly conceded by the contestant and contestee—

"That said ballot as used in said election was novel to the voters of said district; that said ballot had never been used before at any election in said district for the election of a Representative in Congress to the United States, although a similar ballot had been used in most of the towns in said district at the preceding October election held for the election of town officers; and that there was a diversity of opinion amongst competent attorneys and judges as to the proper construction of the law as to said ballots and as to the effect of different marks and the location of the same upon said ballots and as to what ballots should be rejected for various causes."

A stipulation of parties to an election contest for a recount of ballots cast for Representative in Congress is not binding or conclusive either on the House of Representatives or its Committee on Elections. In view, however, of the stipulation to which we have above referred and of the declarations upon the hearings by the counsel for the contestee of his willingness that such recount should be had, and of the circumstances existing with regard to the counting of the vote in the town of Plainfield which reduced the meager majority by which the contestee was declared elected, and of the difficulty that the contestant would experience to secure a recount under the Connecticut law within the very brief period of time limited by the laws of that State, the committee concluded to give heed to the stipulation and render it effective by ordering a recount.

By direction of the House of Representatives, under the resolution passed March 21, 1912, the ballots were brought to the committee from Connecticut, where they had been securely kept. The boxes were opened in the presence of counsel and representatives of both parties and the recount was proceeded with, after the integrity of the ballots had been clearly established.

The fullest opportunity was afforded to the parties and their respective counsel to examine the ballots. A number of days were consumed in the examination, classification, and counting of the ballots, in which work counsel for the parties participated.

On May 17, 1912, at a meeting of the committee, counsel for both parties appeared and the counsel for the contestant, Jodoin, stated that after having made an examination of all the ballots he was convinced that the result would not be changed. The following colloquy took place at the close of the hearings:

"Mr. CARLIN. You represent the contestant?

"Mr. THAYER. Yes, sir.

"Mr. CARLIN. And you now admit that it is useless for the committee to expend any further time in the examination of these ballots, because the result would not be changed?

"Mr. THAYER. The result would not be changed. That being so, it is only a question of what the committee desires with regard to a report—whether it wants a report of the true state of the ballots, or a simple statement that an examination of the ballots, we believe, would leave the matter unchanged.

"Mr. CARLIN. Would the gentleman have any objection (of course, I do not know the feeling of the committee; I am just expressing my own idea) to entering into a stipulation that from an examination of the ballots counted you have both considered that the result could not be changed?

"Mr. THAYER. I would prefer not to, in view of my instructions from my client. I would prefer not to enter into such a stipulation, but in fairness to the committee I have to state that these disputed ballots, when classified as they are, would not change the result.

"The CHAIRMAN. And so you concede it would be useless for this committee to go ahead and look over the ballots?

"Mr. THAYER. Yes. It is only a question of whether, on the agreement as to classes, you want a report of the true result of the count, or simply a report that a recount would not change the result.

"Mr. CARLIN. Of course, the committee will take that up in executive session.

"The CHAIRMAN. I believe I express the sentiments of the committee when I say that we are thankful to you for the frankness with which you have treated the committee; and we appreciate the services of both counsel in this case. They have worked hard and have lessened the labors of the committee very much indeed. We are obliged to both counsel for the services they rendered in the matter.

"Mr. THAYER. I desire to thank the committee on behalf of my client, as well as personally, for the great courtesy we have received at the hands of the committee."

Your committee therefore recommend the adoption of the following resolutions:

"*Resolved*, That Raymond J. Jodoin was not elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is not entitled to a seat therein.

"*Resolved*, That Edwin W. Higgins was elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is entitled to a seat therein."

CONTESTED-ELECTION CASE OF GILL AGAINST CATLIN.

Mr. HAMILL. Mr. Speaker, I am directed by the Committee on Elections No. 2 to present the report of that committee in the contested-election case of Patrick Gill against Theron G. Catlin, from the eleventh congressional district of Missouri. (H. Res. 666, H. Rept. 1142.)

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file a report in the case of Gill against Catlin.

Mr. MANN. Reserving the point of order, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is the gentleman entitled to present a report unless he gets unanimous consent, to-day being Monday, unanimous consent, suspension, and committee discharge day?

The SPEAKER. The gentleman from New Jersey is asking unanimous consent.

Mr. MANN. I did not so understand it.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file the report in the contested-election case of Gill against Catlin. The Chair will pass on the point of order which the gentleman from Illinois has raised. The Chair does not think that anything is in order on unanimous consent, suspension, and committee discharge day except such things as will forward the business of the House.

Mr. MANN. In that connection, Mr. Speaker, I wish the gentleman would couple with his request a request that the minority shall have five days in which to file their report.

Mr. HAMILL. That is satisfactory, provided the House does not adjourn before the five days have expired, because we want to consider this case.

The SPEAKER. There is not one chance in ten thousand that the House will adjourn within five days. That is not an official opinion, but a private opinion publicly expressed. [Laughter.]

Mr. HAMILL. Then, Mr. Speaker, I couple with my request the request that the minority may have five days in which to file minority views.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file the report in the contested-election case of Gill against Catlin; and in connection with that he asks that the minority shall have five days in which to file views. Is there objection?

There was no objection.

THE TAYLOR SYSTEM.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Taylor system, or scientific method of shop management.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the Taylor system of shop management. Is there objection?

There was no objection.

WHITE OAK POINT BAND OF MISSISSIPPI INDIANS.

Mr. LINDBERGH. Mr. Speaker, on August 1 last I filed a brief which I had permission to print in the RECORD. That brief has been printed in the RECORD as if it was my speech, whereas it is by another party. I would like to make a short statement in the RECORD to correct that error.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to print a short statement in the RECORD to correct a mistake which attributes to him an article written by some one else. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker, on page 10782 of the temporary RECORD of August 1 appears a statement that is not in the exact terms in which I presented it. From the way in which it appears it might be inferred that I adopted the brief set forth as my own, whereas it was not presented as such. The brief is an exhaustive one, carefully drawn by John G. Dudley, Esq., of the city of Washington, in behalf of the committee sent to Washington by the White Oak Point Band of Mississippi Chippewa Indians, of the State of Minnesota. The committee consisted of Mr. Charles A. Wakefield, Mr. Wahbasegay, and Mr. William H. Lyons, members of the band, and I submit the following as the articles of their authority:

To the honorable United States Congress, the honorable Commissioner of Indian Affairs, and the honorable Secretary of the Interior:

At a certain general council of the Mississippi Chippewa Indians, composed of residents of the Chippewa Reservation, the so-called Minnesota National Forest, and the White Oak Point Indian Reservation, in the county of Cass, State of Minnesota, held pursuant to a notice given at a former council and recorded in the notes thereof according to the custom and usages of the tribe at Bena, Minn., on the 20th day of December, 1911, at which time and place the council was called to order. Mr. Odenegum was duly elected chairman, and Mr. William Losh was duly elected secretary, and Mr. Wahboze was called upon to state the object of the meeting, after which the following resolution was passed:

Now, therefore, we, the male members of the Chippewa Indian Tribe, being over 18 years of age and residents of the Chippewa Reservation, the so-called National Forest, and the White Oak Point Indian Reservation, in the county of Cass, in the State of Minnesota, hereby most urgently and respectfully petition the honorable Commissioner of Indian Affairs, the honorable Secretary of the Interior, and the honorable United States Congress to concede to the following demands of the red man and give them in addition to what they already have the following land: To each Indian man, woman, and child 80 acres additional to the allotment which they already may have, and 160 acres to every man, woman, and child who has not as yet received an allotment, it being conditional that said men, women, and children be members of the above-named tribe and reside on or near to the territory aforesaid; giving them the right to hold their mineral rights whether on their individual allotments or on their tribal lands without respect to the location thereof, and giving them the further right to recover their allotment timber money in cases where the timber has been sold, cut, and removed without their consent; also in cases where the stumpage was taken and placed in the general fund; or, in other words, giving the Indians their just dues for the allotment timber.

The reasons for asking your consideration in these matters are plain and obvious, and we think that we are as much entitled to an 80-acre additional allotment, or 160 acres in all to each and every Chippewa Indian and woman and child, as are our brothers at the White Earth Indian Reservation in Minnesota, who have already received that amount at your hands; and we feel that in right and justice we are as much entitled to this additional grant as they are, who are our tribal brothers, the people with whom we are interested in tribal affairs. And we can not understand why we should have less than they if justice and right were taken into consideration.

We also most urgently and respectfully petition the honorable United States Congress to repeal Minnesota national forestry act, for the reason that it is contrary to the treaty under the Nelson Act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians of Minnesota." And in right and justice to the Indians it should not be fractured or amended in any way without first consulting those who were parties to the treaty, namely, the Indians. Further, the national forest lies in the midst of the Indian territory, and its location is a detriment to the tribe and is of no benefit to the public; and also the national forest, because of its inert condition, is retarding the development of the country lying in and about it, and in its dormant state it is a menace to civilization and it will be of great interest to us as well as to the general public to have this reserve thrown open to us and the incoming settlers, whether red or white. And, lastly, we do not feel that we are receiving our just dues by having this land taken from us without receiving pay for it, and the taking of land by the United States Government is without precedent. We do not understand why the United States Government, one of the most powerful and wealthiest nations under the sun, is desirous of acquiring land in this manner, being without comparison in the history of civilization.

The swamp lands which are now in controversy and pending settlement between the United States and the State of Minnesota we most urgently ask to have settled in favor of the United States Government and in the interests of the Indians, who, without doubt, own and are entitled to the lands in question.

We also pray that the United States Government pay over to us at once the proceeds from the sale of the Chippewa Indian timber. The reasons being that the Indians are in a greater want now than they ever have been and are suffering for the want of money, and many who are not able to work are on the verge of starvation, and, furthermore, those able to work would then be in a position to improve their allotments and make them suitable places in which to live, for since liquor has been refused us those hitherto unable to save their money are now making better use of it by providing for their families and improving their lands.

We most urgently, respectfully, and sincerely pray your consideration in the foregoing requests and know that after you have investigated you will have found the conditions to be as stated herein, and feel that you will then act in our behalf.

At the foregoing council it was decided that in order to be able to present this petition intelligently and in the proper manner before the department and Committees on Indian Affairs, that Mr. Charles A. Wakefield, Mr. Wahbasegay, and Mr. William H. Lyons be elected to act as delegates to proceed to the city of Washington and there to act in our behalf and to do everything possible to bring about the desired ends, and they were further empowered by the council herein, if need be, to employ an attorney to more clearly present and prosecute the above claims.

We furthermore ask the Secretary of the Interior and respectfully petition him to authorize and allow these delegates a reasonable compensation for their services, not to exceed $5 per day, while actually employed, and furthermore to pay their board while in Washington and their transportation, out of any money in the hands of the Government belonging to this tribe of Indians not otherwise appropriated.

The council herein do furthermore appoint Mr. Maushkahwahnahquot and Mr. Iahzhowegeshig to go before the United States Indian agent at Onigum, or before any judge of a court of record in the State of Minnesota, and have the foregoing petition certified to as being the minutes of the general council aforesaid, held at Bena, Minn., on the 20th day of September, 1911, in due form according to the tribal usages and customs.

We hereby certify that the above council was held at the time herein stated and that the foregoing are the minutes thereof.

ODE NE (his finger mark) GUM, *Chairman.*
WM. LOSH, *Secretary.*
J. F. BEEKER,
Proprietor Beeker House, Bena, Minn.

STATE OF MINNESOTA, *County of Cass, ss:*

I hereby certify that I believe the council mentioned in the foregoing minutes was duly held in accordance with the customs and usages of the Chippewa Tribe, and I recommend that the delegates therein named be given a hearing in such manner as may be deemed advisable.

J. F. GIEGOLDT, *Superintendent.*

The committee was very faithful in its work, spending several months in Washington in behalf of the band which sent them. They had Mr. Dudley assist them, and he drafted the brief. I would not want to take any part of the credit that belongs to him in the preparation of the brief, nor was it my purpose to adopt his argument. I have presented it because the brief was carefully prepared and the references verified so that it will serve the House in future as a reference brief.

The brief is not intended to support the bill to which it refers so much as it is to call attention to the justice and right of the claim of these Indians to relief. The bill was introduced in order to give them a hearing, and following its introduction a resolution was introduced, being House resolution 564, to secure the appointment of a committee of three from the Committee on Indian Affairs to investigate the property rights of these Indians. I am promised consideration of this resolution early in the session beginning in December next. The purpose is to get at the real facts. That can not be done without sending a committee onto the grounds. There are many bills now pending before the Committee on Indian Affairs that can not receive proper consideration till this investigation is made. This little band of Indians have been grossly wronged, and, so far as it is possible and reasonable, they should be placed in a position of independence. They parted with their property and have received little in return except broken promises. The mere fact that we have the power to keep them from securing their rights is not a justification for doing so. It is fair to give them and all others in that territory a fair hearing, after which proper remedies may be provided.

TOLLS THROUGH THE SUEZ CANAL.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Washington asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, it has been repeatedly both asserted and denied on the floor of the House that foreign countries paid tolls for their ships passing through the Suez Canal. The Commissioner of Navigation, Mr. E. T. Chamberlain, has furnished me with a copy of a contract entered into by the French Government with the largest steamship company under the French flag, about 10 days ago. The Government agrees not only to pay the company a subsidy, but to pay the tolls for going through the Suez Canal in addition. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the subject of tolls through the Suez Canal, is there objection?

There was no objection.

The following is the matter referred to:

TRANSLATION.

Following is translation of article 3 and marked part of article 96 (balance of 96 covers mode of paying subvention):

"ART. 3. The tolls based on tonnage for transit through the Suez Canal paid by the company on its subsidized ships shall be reimbursed to the company in addition to the subsidy according to the provisions of article 96 of the schedule of charges and obligations: *Provided*, That during the temporary period covered by that schedule the expenses of passing through the Suez Canal of ships on the route to Haiphong shall be paid by the company."

"ART. 96" (first paragraph relates to the subsidy). "The amount of reimbursement of the special navigation toll on tonnage through the Suez Canal is payable monthly at the end of the month at the same time as the subvention according to the estimates of expenses based on the figures for the previous year with the reservation of adjustment of balances at the end of the business year based on tolls actually paid." (Third paragraph relates to general subsidy.)

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. AUSTIN, for one day, on account of sickness.

To Mr. JACOWAY, for two days, on account of sickness.

To Mr. GOODWIN of Arkansas, indefinitely, on account of sickness in his family.

To Mr. ANDERSON of Ohio, indefinitely, on account of serious illness in his family.

PATENTS TO SEMINOLE ALLOTTEES.

The SPEAKER. This is Unanimous Consent Calendar day, and the Clerk will report the first bill.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to pass without prejudice this bill until Mr. CARTER, of Oklahoma, can be present.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass the bill without prejudice.

Mr. FITZGERALD. I would like to ask the gentleman if the report has been obtained from the department which was spoken of last week?

Mr. STEPHENS of Texas. I do not know. The bill is the bill of the gentleman from Oklahoma, Mr. DAVENPORT.

Mr. FITZGERALD. Does it appraise any land the patents of which are in suit or have not been issued?

Mr. STEPHENS of Texas. It especially exempts them.

Mr. FITZGERALD. The bill does not exempt them. Does it include patents of land which have been held up?

Mr. STEPHENS of Texas. It can not, because it only pertains to lands where the title is clear where they can issue the patents. It is only because they have not been delivered that complaint is made.

Mr. FITZGERALD. I think the gentleman is mistaken as to the effect of this bill.

Mr. STEPHENS of Texas. I ask unanimous consent that it be passed without prejudice.

Mr. MANN. The request of the gentleman was that it be passed without prejudice. The gentleman from Oklahoma, Mr. CARTER, is not prepared to take up the bill, and the gentleman from Oklahoma, Mr. DAVENPORT, is not present.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass the bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

COUNCIL OF NATIONAL DEFENSE.

The next business on the Private Calendar was the bill (H. R. 1309) to establish a council of national defense.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. HAY. I object.

Mr. HARRISON of Mississippi. Mr. Speaker, the gentleman from Alabama [Mr. HOBSON] introduced this bill and is in charge of it, and is not now in the Chamber. I have been asked to ask that it be passed without prejudice, and I hope the gentleman from Virginia will not object.

Mr. HAY. Mr. Speaker, this bill has been passed before on the ground that the gentleman from Alabama was absent. I would like to ask, if the bill is passed without prejudice, if it can be called up again to-day?

The SPEAKER. The Chair would say that it could.

Mr. HAY. Then I object.

The SPEAKER. The gentleman from Virginia [Mr. HAY] objects to the consideration of the bill.

FORT GRANT MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think this bill was read on the last unanimous-consent day. I would like to inquire of the gentleman from Arizona [Mr. HAYDEN] whether, if consent is given for the consideration of the bill, he would be willing to agree to an amendment to add at the end of the bill the words:

Provided further, That no more than 2,000 acres of such lands shall be selected under the provisions of this act.

Mr. HAYDEN. Mr. Speaker, I will accept such an amendment.

Mr. ROBINSON. Mr. Speaker, reserving the right to object to the agreement between the gentleman from Illinois and the gentleman from Arizona, I should like to know the object of that limitation. What is the purpose of limiting it to 2,000 acres?

Mr. MANN. Mr. Speaker, as I understand, there are 12,000 acres in this tract, and it is the desire of the gentleman to permit the State of Arizona to select a farm site, a reform-school site, upon this land. It seems to me from what I have heard that 2,000 acres is quite ample for that purpose.

Mr. ROBINSON. Mr. Speaker, will the gentleman from Illinois yield to me to ask a question of the gentleman from Arizona?

Mr. MANN. Certainly.

Mr. ROBINSON. Mr. Speaker, is the gentleman from Arizona prepared to state whether the limitation suggested of 2,000 acres would furnish adequate area for the purposes for which the land is desired?

Mr. HAYDEN. I think it would be enough for the present needs of the State industrial school.

Mr. ROBINSON. And the gentleman is satisfied with the amendment?

Mr. HAYDEN. Yes; I have agreed to such an amendment.

Mr. ROBINSON. I shall make no objection, then.

Mr. MANN. And I understand that the Senator from Arizona has also agreed to the amendment.

Mr. SLAYDEN. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. I suppose it is the purpose of the State of Arizona to take not merely the land in the reservation, but the post itself—the buildings and things of that kind.

Mr. HAYDEN. The most valuable part of the reservation is located near the old Army post, where it is possible to irrigate a considerable area of land. The State of Arizona desires to obtain this irrigable land as a farm for the State industrial school. I do not know whether the State will be able to use the old buildings or not. We will probably have to construct new buildings.

Mr. SLAYDEN. The State would certainly be able to make use of the buildings there.

Mr. HAYDEN. Yes; for what they are worth. They are very old, and are built of adobe.

Mr. SLAYDEN. An adobe building is not necessarily very old when it is but 50 years old.

Mr. ROBINSON. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. ROBINSON. The Secretary of the Interior, in reporting upon the matter, stated that there are a number of buildings on the reservation, but that they are mostly of adobe, and not believed to be of great value.

Mr. SLAYDEN. My purpose in asking the question is to emphasize a point I raised the other day. I have not the slightest objection to the concession of this land to the State of Arizona for the purpose for which it is wanted, but the action of the House is in marked contrast to its attitude in respect to the effort by the State of Texas to purchase land for the erection of a tuberculosis sanatorium, where we not only have to take care of the unfortunate consumptives of our own State, but have loaded on to the State every year from other States in the Union a large number of them.

Mr. ROBINSON. Mr. Speaker, I will ask the gentleman whether the bill to which he refers, relating to Texas, has been reported by any committee.

Mr. SLAYDEN. It has.

Mr. ROBINSON. By what committee?

Mr. SLAYDEN. By the Committee on Military Affairs, but it is now in another bill in the Senate. I do not object to this bill.

Mr. ROBINSON. Mr. Speaker, I have no objection to the agreement suggested by the gentleman from Illinois.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MANN. Mr. Speaker, the bill was reported last week, and I think we can dispense with the reading of it now.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. FITZGERALD. Oh, let the bill be reported.

The SPEAKER. The gentleman from New York objects and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands, together with the improvements thereon, within that part of the former Fort Grant Military Reservation, in the State of Arizona, situate and being outside the boundaries of the Crook National Forest, be, and the same hereby are, made subject to selection by the State of Arizona in partial satisfaction of the grant of 100,000 acres made to it for State charitable, penal, and reformatory institutions by section 25 of the act of Congress approved June 20, 1910 (36 Stat. L., p. 557): *Provided*, That such selection shall be made within three years from the date of approval of this act.

Mr. MANN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend, page 2, at the end of line 4, by adding the proviso:
"*Provided further*, That no more than 2,000 acres of such lands shall be selected under the provisions of this act.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 21952. An act for the relief of James S. Baer.

The message also announced that the Senate had passed the following order in the impeachment trial of Robert W. Archbald:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes p. m. on the 3d day of December, 1912.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes p. m. on the 3d day of December, 1912.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18642. An act to amend an act entitled "An act to provile revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 15509. An act to authorize the construction of a sewer pipe upon and across the Fort Rodman Military Reservation, at New Bedford, Mass.; and

H. R. 24550. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, has the gentleman from Montana an amendment which he expects to offer to the bill?

Mr. PRAY. Mr. Speaker, I have no amendment, but from what happened during the consideration of the bill when it appeared on the calendar before I should judge that probably Uncle Sam, speaking through the gentleman from Illinois [Mr. MANN], is not willing to make an outright gift of this property to the county of Hill. Fort Assinniboine was abandoned last November for military purposes, and the buildings and land, embracing an area of 343 square miles, were turned over to the Interior Department by the Secretary of War. Last February the county of Hill was created. A part of the reservation lies within the boundaries of this new county. The buildings at the post are 6 or 7 miles from the city of Havre, which is now the county seat of Hill County. The city had very poor facilities for taking care of persons held under the city government or awaiting preliminary hearings. Havre has made wonderful progress in other respects during the past few years. They have always needed a good jail building there, and now that the city has become the county seat of the new county of Hill, it is imperative that a new building and fixtures be provided at once. The county commissioners and city authorities have decided that they can afford to take down the brick jail at the post and remove it to Havre. It will no doubt be an expensive undertaking, but they are willing to do it if Congress will grant authority. The jail can be of no further use to the Government, and will deteriorate and fall to ruin if it remains where it is. We have a number of precedents for this legislation, and I regret that there should have been objection raised by anybody.

I had a conversation with the gentleman from Illinois [Mr. MANN] a short time ago in reference to an amendment providing a consideration for the building on account of previous objection to the bill.

Mr. ROBINSON. What was the amendment suggested?

Mr. PRAY. A nominal consideration. It is impossible for me to say how much the county commissioners of this newly created county would be willing to give. I should certainly not feel authorized to suggest anything more than a nominal sum. Of course, the gentleman understands that I do not believe the county ought to be obliged to pay anything. If I should consent to a payment in any sum, it would be done simply to avoid an objection to the present consideration of the measure. The bill has already been stricken from the calendar once, and if the same thing should happen again there would probably be no further opportunity to consider it this session of Congress. If the bill should have to go over to the next session, it would then be too late to be of any benefit to Hill County. If this attempt should fail, the commissioners will then have to make other provisions for a jail.

Now, I will say this to the gentleman, at the time the bill was under consideration before the gentleman from Illinois [Mr. MADDEN], speaking from his personal experience in business, made the statement that the county commissioners could not afford to tear down this building and move the bricks and fixtures 7 miles, that it would not pay them to do it.

Mr. ROBINSON. If the gentleman will permit me, this same matter was discussed by the Committee on the Public Lands and given consideration there, and I believe I myself raised that question.

Mr. PRAY. The gentleman did.

Mr. ROBINSON. And after full consideration of it the committee reached the conclusion that the best manner of disposing of the matter was under the terms of the bill, that if you should require the appraisement of the building, and fix the value and methed of sale, and so forth, that it might prevent the sale of the jail building, which is not found of any considerable value to the Government under existing conditions, whether the appraisement was directed by the Secretary of War, or the Secretary of the Interior, or somebody else. From the fact that the property is abandoned by the Government and it is not used and can not serve any useful purpose as far as the Government is concerned, and from the fact that it would be expensive to remove the building, the committee reached the conclusion it was not wise to put that in the bill. For my part, if the gentleman from Montana wishes to agree to some amendment, I shall raise no objection to his offering the amendment.

Mr. MANN. I do not desire, so far as I am concerned, to have its appraised value for the purpose of removing it, but I have no desire to transfer the title of the property without any consideration and, as a matter of fact, as a precedent. I am perfectly willing, as far as I am personally concerned, to accept a nominal consideration.

Mr. ROBINSON. The citizens of Hill County need a jail. That is evidently true or the gentleman from Montana would not have introduced this bill. It seems to me the precedent would be rather a good one than a bad one.

A MEMBER. Make the consideration love and affection.

Mr. MANN. That is what they want to do; make it love and affection. I do not care what the amount is, but I am not in favor of a precedent being established of giving property without any consideration at all. I thought the gentleman would have had an amendment prepared.

Mr. PRAY. I do not think it requires any time to prepare an amendment. In view of the gentleman's statement, I would suggest that an amendment carry the consideration of $10, and I will offer such an amendment at the proper time. I think that would meet the gentleman's objection.

Mr. ROBINSON. Mr. Speaker, I would not consent to putting such an amendment in this bill, because the committee reporting it did not place such an amendment in the bill, and the placing of even a nominal sum it seems to me as a precedent would be worse than that denounced by the gentleman from Illinois.

Mr. CANNON. As long as the fate of the bill hangs without any consideration—love and affection on the one hand and $10 on the other—if the gentleman will withdraw his objection I will donate to the United States the $10. [Laughter.]

The SPEAKER. Is there objection?

Mr. MANN. I object under the statement made by the gentleman from Arkansas.

Mr. PRAY. I hope the gentleman will withhold his objection for a moment.

Mr. MANN. I am willing to do that.

Mr. PRAY. It seems to me there is not any principle involved here as serious as all that. In fact, there is no principle involved here at all. Gentlemen talk about establishing precedents. Precedents have already been established for the passage of this bill as it is. These people have been anxiously awaiting results for the last three or four months, and they want to know whether they are going to get the jail. They need it badly, and Congress can give it to them without breaking precedents. If they are obliged to pay any considerable amount for the jail, they can not afford to take it.

Mr. ROBINSON. Mr. Speaker, I do not like to accept the amendment suggested by the gentleman from Montana, and I ask unanimous consent that the bill be temporarily passed. If we can ascertain the value of these improvements, I will offer an amendment requiring the county to pay the full value of the improvements; but the Interior Department reported that the buildings were not of much value, and for the reasons I have stated we did not require the county to pay for them to make a jail in which to confine citizens of Hill County when they are violators of the law, which will conserve a very useful purpose. Certainly it is better than remaining on the abandoned reservation without any use whatever. To require that for the sake of precedent that a mere nominal consideration should be put on this bill does not meet my idea of public duty from any standpoint.

Mr. MANN. How long has Hot Springs been in the gentleman's district?

Mr. ROBINSON. Hot Springs has been in my district since my service in the House began, and I hope it will continue there until my service in this great body expires. Now, I ask unanimous consent——

Mr. FITZGERALD. I desire to ask the gentleman a question. In the report of the department calling attention to the bill it states that there is another bill pending elsewhere proposing to grant to the State these buildings for agriculture, manual training, and other educational purposes.

Mr. ROBINSON. No; the other bill is to grant the land. Of course, that would carry the buildings.

Mr. FITZGERALD. And the buildings thereon; and the statement is made there that these buildings are of no value.

Mr. ROBINSON. That is true.

Mr. FITZGERALD. But it seems they would be valuable for that purpose. I desire to inquire of the gentleman whether his committee went into the question of the value of utilizing the buildings for that purpose rather than for the purpose of a jail?

Mr. ROBINSON. There was a Senate bill pending providing for a grant of that land and the committee reached the conclusion that the buildings would be more useful if applied for jail purposes than for an agricultural and educational institution. We could not conceive how the jail could be of any value to an educational institution, and we found that Hill County did need a jail very badly.

Mr. FITZGERALD. If the gentleman will permit me, is this building a jail? Is it not a building that was used by troops?

Mr. ROBINSON. The building to be granted by this bill consists of a jail only and fixtures.

Mr. PRAY. The other bill in all probability will not go through at this session of Congress. The passage of this bill could not interfere in any manner whatsoever with the other bill.

Mr. ROBINSON. No. The other bill will probably not be passed at this session. Mr. Speaker, I ask that the consideration of this bill be temporarily passed to-day.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] asks that the consideration of this bill be passed temporarily, without prejudice. Is there objection?

There was no objection.

LICENSING OF PLEASURE YACHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22650) to replace sections 4214 and 4218 of the Revised Statutes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor may cause yachts used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned in compliance with the provisions of sections 4133 to 4135, to be licensed on terms which will authorize them to proceed from port to port of the United States and to foreign ports without entering or clearing at the customhouse; such license shall be in such form as the Secretary of Commerce and Labor may prescribe. Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title.

SEC. 2. That every yacht, except those of 15 gross tons or under, visiting a foreign country under the provisions of sections 4214, 4215, and 4217 of the Revised Statutes shall, on her return to the United States, make due entry at the customhouse of the port at which, on such return, she shall arrive.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] reserves the right to object.

Mr. FOSTER. I would like to have the gentleman in charge of this bill explain it, and especially the letter from the Acting Secretary of the Treasury, in which he says that—

> This department doubts the advisability of making this unqualified exemption, as it would tend to facilitate smuggling in small boats along the northern frontier and endanger the revenue.

Now, it seems to me that this is of some importance, coming, as it does, from the Acting Secretary of the Treasury.

Mr. ALEXANDER. Yes; but if the gentleman had read further on and would then examine the bill he would find that the amendment suggested by the Secretary of the Treasury had been incorporated in the bill, so as to protect the Treasury.

Mr. FOSTER. I had not gotten through. Does the gentleman think that this protects all that feature of it, that might permit any smuggling to take place in these small boats?

Mr. ALEXANDER. I think so, and that is the judgment of the Secretary of the Treasury.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, the title of this bill is "To replace sections 4214 and 4218 of the Revised Statutes."

Mr. FOSTER. I withdraw my objection, Mr. Speaker.

Mr. MANN. I assume that the purpose is to amend those provisions of the Revised Statutes?

Mr. ALEXANDER. Yes; and I think the amendments I shall offer will put the bill in the proper form.

Mr. SLAYDEN. Mr. Speaker, will the gentleman from Missouri permit a question?

The SPEAKER. Does the gentleman from Missouri yield?

Mr. ALEXANDER. Yes.

Mr. SLAYDEN. What particular class of American citizens would be benefited by this bill—just the yacht owners?

Mr. ALEXANDER. No; not only the yacht owners, but a large class of people who live on the Northern Lakes and on the Detroit River, who own pleasure vessels of various descriptions and who have summer homes on the Canadian side. This bill will permit them to go over the Lakes or Detroit River from ports of the United States to the Canadian ports and return without entering or clearing at the customhouse.

Mr. SLAYDEN. Does the gentleman mean excursion boats?

Mr. ALEXANDER. No; I refer to yachts and pleasure boats on the Lakes. Many own launches and yachts and have summer homes in Canada, and go over on Saturdays and Sundays and holidays to the Canadian side to their summer homes. Without this legislation they are put to great inconvenience in entering or clearing at the customhouse.

Mr. MANN. Will the gentleman yield to me in that connection?

Mr. ALEXANDER. Yes.

Mr. MANN. Does not the first section of this bill merely extend a privilege of the same character to boats on the Great Lakes as now exists with reference to boats along the seaboard?

Mr. ALEXANDER. Yes; the same privilege as now exists on the seaboard, referred to in section 4214; and the first section of this bill amends section 4214.

Mr. SLAYDEN. Of the Revised Statutes?

Mr. ALEXANDER. Yes; but only in this regard: It strikes out the words "by sea." Section 4214, Revised Statutes, is construed by the Department of Commerce and Labor as applying to the ocean and not to the Great Lakes.

Mr. SLAYDEN. It extends privileges, then, to these owners of pleasure boats on the Lakes such as are enjoyed now on the ocean?

Mr. ALEXANDER. Yes.

Mr. SLAYDEN. And only that?

Mr. ALEXANDER. Yes. The Secretary of the Treasury, to guard against danger of smuggling, suggested an amendment, which is added by the committee as an amendment to the second section of the bill.

Mr. FOSTER. Is there any precaution taken to prevent these boats from smuggling in going back and forth?

Mr. ALEXANDER. Yes. The matter has been gone over very carefully. The same penalties against smuggling apply to these vessels as to other vessels. We not only submitted the bill to the Secretary of Commerce and Labor but also to the Secretary of the Treasury, and have the approval of both of them.

Mr. FOSTER. In making frequent trips across the Lakes or the river it would be different from going across the ocean.

Mr. ALEXANDER. This applies only to pleasure boats of less than 15 tons; small boats.

Mr. SLAYDEN. They would not cross the ocean.

Mr. FOSTER. I know; but it is usually a more difficult matter to carry on smuggling in case of a vessel only crossing the ocean than one making frequent trips across some narrow portion of a lake.

Mr. SLAYDEN. Well, even if it does encourage a little smuggling, that would be in the direction of free trade.

Mr. FOSTER. Well, we ought to get it by law and not by stealth.

Mr. SABATH. Stealth. [Laughter.]

Mr. FOSTER. Yes; by stealth. However, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will first report the committee amendment.

The Clerk read the committee amendment, as follows:

Provided, That nothing in this act shall be so construed as to exempt the master or person in charge of a yacht or vessel arriving from a foreign port or place with dutiable articles on board from reporting to the customs officer of the United States at the port or place at which said yacht or vessel shall arrive, and deliver in to said officer a manifest of all dutiable articles brought from a foreign country in such yachts or vessels.

SEC. 3. That all acts and parts of acts not consistent herewith are hereby repealed.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the amendment of the gentleman from Missouri [Mr. ALEXANDER].

The Clerk read the amendment, as follows:

Amend, by striking out on page 1, line 3, the words "That the" and inserting in lieu thereof the following: "That sections 4214 and 4218 of the Revised Statutes be, and the same are hereby, amended to read as follows: 'Section 4214. The' and by adding quotation marks after the word 'title,' on page 2, line 12, and by striking out on page 2, line 13, the words 'Section 2. That' and inserting in lieu thereof the following: 'Section 4218' and by adding quotation marks at the end of the section."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. ALEXANDER. There is an amendment to the title.

The amendment was read, as follows:

Amend the title, so that it will read as follows:
"A bill to amend sections 4214 and 4218 of the Revised Statutes."

The amendment was agreed to.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMMIGRATION OF INSANE PERSONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19544) to amend section 9 of the immigration act approved February 20, 1907.

The bill was read, as follows:

Be it enacted, etc., That section 9 of the immigration act approved February 20, 1907, be amended as follows:

After the word "epileptics" insert the words "insane persons," so that section 9 shall read as follows:

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, insane persons, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor."

With the following committee amendments:

Page 1, line 4, after the word "amended," insert the words "so as to read."

Page 1, strike out lines 6 and 7, the words proposed to be stricken out being as follows:

After the word "epileptics," insert the words "insane persons," so that section 9 shall read as follows:

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object to the present consideration of this bill, I desire to say that I am doing so, not for any reason that I have any objection to the bill itself, but simply for the purpose of saying a few words about the report accompanying the bill.

As you will notice, the bill provides—

That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, insane persons, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of the provisions of this section—

and notwithstanding the fact that I am against any additional unreasonable restrictive immigration legislation, I wish to go on record in favor of this bill and am desirous of informing the membership of this House that I am not opposed to any bill which honestly aims to protect our country from the criminal, the insane, or those suffering from loathsome, dangerous, or contagious diseases, or legislation which aims to protect our country from gross negligence on the part of the steamship companies.

And right here I desire to state that the people I have the honor of representing and those for whom I at times speak are not opposed to any legislation which tends in the right direction nor to legislation which actually may protect us from really objectionable immigration and which might be detrimental to the welfare of our country. And I feel confident that they, as well as myself, are as desirous as any professional and capital-making individual of keeping out the idiot, the imbecile, the epileptic, insane persons, persons suffering from tuberculosis or with loathsome, dangerous, or contagious diseases, or others that are actually undesirable.

What I take exception to is the unfair and unwarranted report accompanying this bill, which, on page 2, embodies a part of a report of the New York State Board of Alienists for the year 1911, and reads as follows:

It must be remembered that foreign countries look with favor upon the emigration to America of diseased and defective persons. Examination by American officials at the ports of embarkation in Europe has been strenuously opposed by certain foreign Governments, and it is a notorious fact, commented upon in every annual report of the Commissioner General of Immigration, that the steamship companies make only the most perfunctory medical examination of passengers upon their departure for America. Thus there are no obstacles in the way of diseased persons embarking for this country. In the case of those returning, however, the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway, as they embark at the port of New York, and those who do not satisfy the steamship officials or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance. Cases are not decided individually, upon their merits, but as soon as it is learned that an applicant for passage has been in an institution for the insane he is at once rejected. It can be seen that, with an unimpeded flow of inferior immigrants to this country, and with an outflow which is so carefully regulated that only the prosperous and sound can return, we must ultimately become the asylum for an increasing number of those unable to sustain themselves.

Now, Mr. Speaker, this portion of this report is unjustifiable by any facts or any evidence that can be substantiated. Again, on the same page, the report contains another extract from page 22 of the same New York Board of Alienists, which reads as follows:

For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country (to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year), it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration" (of Germans, Irish, and Scandinavians) would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

Mr. Speaker, I am satisfied that the figures as well as the statements contained in these two extracts are incorrect, and furthermore, are direct insults not only to the people coming from Austria-Hungary, Italy, and Russia, but as well to those from Germany, Ireland, and Scandinavia.

These people never have been and are not now a burden upon the State of New York, as they pay more than their proportionate share toward maintaining the public institutions. And again, Mr. Speaker, I am obliged to take exception to the extract in this report, purporting to be an article from the New York Times, which purports to be furnished by the secretary, McGarr, of the same lunacy commission, and which reads as follows:

INSANE ALIENS.

The Times is informed by Secretary McGarr, of the State commission in lunacy, that of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.

The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals 2,006 out of 3,221 residents of the city were of foreign birth; that is 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

In this article, as well as in the two above-mentioned extracts, the percentages and the statistical data are so juggled as to place the foreign people in a disadvantageous position. I admit that the deplorable conditions under which these people are often obliged to work and live drive some of them insane, but, on the whole, if you take into consideration the percentage of the foreign population of New York and the percentage of those in the insane asylums you will find that it is not greater—yes, not as large—than that of the native born who at no time are obliged to undergo the hardships, the trials, and the tribulations that the foreign-born citizen must.

Mr. Speaker, I have heard the gentlemen representing this New York Board of Alienists before our committee complain of the great sum of money which it costs the State of New York to provide for these people, and I have seen and heard them give figures—what it costs the State of New York annually, nearly $8,000,000, to provide for its feeble-minded and its insane. On one of the occasions I have remarked to them, and I will state it again, that if the public officials of New York State having charge of these institutions would be more careful and practice some economy in expending the public money that one-third of that amount would amply suffice to provide properly for the maintenance and care of all its unfortunates of these institutions.

Mr. Speaker, I do not desire to be unjust or unfair, but I can not help believing that the main reason for these reports published by this board is that these gentlemen, these members of the New York State Board of Alienists, are endeavoring to develop a sentiment in our country which will force this House to enact legislation creating a new board of medical examiners which will be composed only of the specialists and alienists from their school. And that this is their desire I can substantiate by their own evidence before our committee only a few months ago.

We in the city of Chicago have as large a foreign population in proportion to the population as the city of New York, and I have yet to hear a single complaint from any source whatever about the cost of the large number that may be confined in our city, county, or State institutions, and I feel confident, notwithstanding the fact that I have not the statistics at hand, that the percentage of foreign born and those of foreign parentage is not greater than that of the natives. Mr. Speaker, the consideration of this bill has given certain gentlemen again an opportunity to inquire why the Dillingham bill, which passed the Senate some time ago, can not receive consideration.

Mr. Speaker, I feel obliged to inform these gentlemen that notwithstanding the fact they are advocates of restrictive legislation and desirous to pass most any restrictive bill, having confidence in their judgment, I feel satisfied that they never would or could vote for the Dillingham bill. Personally I consider it a makeshift—a bill for which no fair-minded man who desires intelligent, fair, and just legislation would vote. It is a hodgepodge. It is a bill composed of six or eight other bills, and sent over to this House in such shape that really no one can tell what some of its provisions mean and aim to accomplish.

If anyone will read it carefully he will find that it repeals the Chinese-exclusion act. Now I shall pause for an answer, and inquire, Are there any Members who desire to go on record in favor of repealing the Chinese-exclusion act? Or are there any Members who would be willing to vote for the now known and celebrated Root amendment? Surely not.

If the time permitted I could point out many other objectionable features in the bill which this Democratic House would never vote for. What we stand for is fair and just legislation—legislation which is actually demanded by and would be beneficial to the people and to our country.

Mr. ROBINSON. Mr. Speaker, reserving the right to object, I will say that I can not understand how anybody can object to the consideration and passage of this bill. Every possible source of information indicates the necessity of the passage of this legislation. I myself regret that the bill is not more general in its terms, but it is a step in the right direction. It is an improvement on existing law, and therefore I hope that the bill will pass. Of course, we are not enacting into law the report of the committee accompanying the bill, but statistics in my possession and information which I deem reliable disclose an alarming situation with reference to the alien insane, idiots, and imbeciles in some of our State institutions. For instance, in the State of New York the cost of maintaining foreign insane in the institutions of that State exceeds $4,000,000 per annum. That is only in one State. I sincerely hope the bill will pass.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to be informed whether my understanding is correct, that all this bill does is to insert in the existing law the words "insane persons"? Is that correct?

Mr. BURNETT. If the gentleman will permit me, I will state the change which the bill makes.

Mr. MANN. Is that the only change it makes?

Mr. BURNETT. It increases the penalty from $100 to $200.

Mr. MANN. Those are the only changes?

Mr. BURNETT. Those are the only changes.

Mr. MANN. If consent is given for the consideration of this bill, is it intended to have other amendments offered?

Mr. BURNETT. None by me. I have not thought of any such thing. I want this bill to pass on its merits, and I hope it will pass in just that way.

Mr. MANN. Does the gentleman know whether anybody else intends to offer any amendments?

Mr. BURNETT. I do not know of any others. This is an important and urgent bill.

Mr. ROBINSON. While I should like to offer some amendments to the bill, I shall not do it in the event that unanimous consent is given for its consideration, because I understand from the gentleman from Illinois that there will probably be objection if other amendments are offered.

Mr. MANN. I should like to suggest that this is a matter that might be passed on under an armed neutrality agreement, without involving the main question in reference to immigration. I think no one objects to these proposed changes, and the injection of anything else would probably prevent the passage of the bill.

Mr. BURNETT. I have no doubt it would, and for that reason I hope no gentleman will jeopardize its passage by offering any amendments.

Mr. FITZGERALD. Mr. Speaker, one statement of the gentleman from Illinois [Mr. SABATH] should not be permitted to pass unchallenged. Some statements in this report, consisting of quotations from newspaper clippings, are accurate. It costs the State of New York more than $2,000,000 a year to take care of the alien insane.

Mr. ROBINSON. It costs more than $4,000,000 a year to provide for the alien insane.

Mr. FITZGERALD. I am speaking of the insane who escape the scrutiny of immigration officials that come into the State. It costs altogether about $9,000,000 a year to take care of the insane in New York, $2,000,000 of which is due to the coming in of insane aliens because of inspection that is not adequate. In the sundry civil bill this year provision has been made for some additional inspectors, who are to be especially qualified to detect mental defectives, and it would be of great value to the entire country if legislation could be enacted that will prevent the European countries from relieving themselves of the burden of taking care of the mental defectives and placing it on the various States of the Union. I believe that the bill is a very wise one and should be enacted.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered on the bill and amendment to final passage.

The SPEAKER. But the House has not yet given permission to consider it.

Mr. MANN. I ask unanimous consent for its present consideration and that the previous question may be considered as ordered on the bill and amendment to final passage.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the committee amendment shall be considered as agreed to and the bill be passed and a motion to reconsider laid on the table. [Laughter.] That would dispose of it in one motion.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for the present consideration of the bill; that the committee amendment be considered as agreed to and the bill be considered as passed, and a motion to reconsider lay on the table. Is there objection?

Mr. GARDNER of Massachusetts. Reserving the right to object, Mr. Speaker, I wish to point out that that will prevent an amendment being offered to the bill putting in the educational test for immigrants.

Mr. FITZGERALD. That is exactly what is intended.

Mr. ROBINSON. Reserving the right to object, Mr. Speaker, I desire to say to the gentleman from Massachusetts that a moment ago I made the statement that I myself would like to offer some amendments to the bill, but I was assured by gentlemen on that side of the Chamber that if amendments were to be offered objection would be made to its consideration.

Mr. GARDNER of Massachusetts. I know that the gentleman from Arkansas feels the same way I do about the educational test, and if the gentleman from Alabama wishes to put the bill through in that way I shall not object.

Mr. FITZGERALD. I wish to say to the gentleman from Massachusetts in regard to these amendments being offered to the bill, that if the amendments were offered they would not be germane and could not be considered.

Mr. GARDNER of Massachusetts. I think they are germane.

Mr. FITZGERALD. I think they are not.

Mr. GARDNER of Massachusetts. I know what I am talking about. I was on the committee that reported it, and examined it thoroughly.

Mr. BURNETT. Mr. Speaker, no gentleman in this House has worked harder, in season and out of season, to get a report and action of the House on the illiteracy-test bill than I have. I have tried by all means to have it reached on the call of committees on Wednesdays, but the Immigration Committee has not been reached on that call. I have besieged the doors of the Committee on Rules and have been unable to secure a rule for its consideration. I have a letter from the chairman of the Committee on Rules, which I desire to insert in the RECORD.

In that letter he says that the Rules Committee could not give us a rule at this session. I asked for a rule on the Dillingham bill, as substituted by the Burnett bill by the House Committee on Immigration. The letter states that the committee could not give consideration to that rule at this session or report it out at this session, on account of many other matters before the committee. That is the substance of the letter, and that at the beginning of the next session, in early December, a rule would be reported by which the bill could be taken up and action be had on it. That being true, and the fact that one objection would defeat the bill now under consideration, introduced by the gentleman from New York [Mr. KINDRED], and on account of the acute conditions that prevail as to the incoming insane aliens, I hope that no effort at this time will be made to load this bill with amendments that might jeopardize its passage.

Mr. GARDNER of Massachusetts. I want to ask the gentleman from Alabama a question. I have been shown a letter from the gentleman from Texas [Mr. HENRY] and a letter from the gentleman from Alabama [Mr. UNDERWOOD], and I think one was addressed to the gentleman from Alabama [Mr. BURNETT] and the other to the gentleman from South Carolina [Mr. FINLEY]. I can not say which letter makes the explicit statement, but one or the other of those letters says definitely that we shall have a rule to consider this Burnett-Dillingham bill in December. Is that so?

Mr. BURNETT. That is true as to the letter from Mr. HENRY to myself.

Mr. GARDNER of Massachusetts. One thing more. I have been shown replicas of letters sent by the gentleman from Alabama himself, stating to various Members on the Democratic side that they have done their best to help him to secure the rule, and that it is impossible to get it.

Mr. BURNETT. That is true.

Mr. GARDNER of Massachusetts. Is it not true, also, that the gentleman from Kentucky [Mr. STANLEY] asked for the entire day of next Thursday for the discussion of the majority and minority reports on the steel investigation, when in fact there is no bill before the House in relation to the matter?

Mr. FOSTER. I hope the gentleman will put in the fact that the request was objected to.

Mr. GARDNER of Massachusetts. Not on that side of the House, but on this side by Mr. AUSTIN, of Tennessee.

Mr. SLAYDEN. Will the gentleman from Alabama yield to me for a brief statement?

Mr. BURNETT. I will yield to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, I am in sympathy with the proposition to restrict immigration in such a way as to keep undesirables out of the country, but I think it would be particularly unfortunate to complicate with the general question of immigration the bill under consideration. It is urgently important that this legislation should be enacted. I have here the hearings before the committee on the sundry civil appropriation bill, in which the statement is made that there are at the present time 8,000 alien insane, one-quarter of the whole, supported at the public expense in the New York State Hospital, at a cost to the State of $2,000,000 annually. It says that the great number of alien insane is being rapidly increased, and they want the law amended in such a way as to protect the public. I am personally in favor of amending the immigration laws so as to keep out all undesirables. But I hope that no gentleman occupying that position will object to the consideration of this bill or insist that it be complicated with amendments, because in my judgment it is legislation that is urgently needed.

Mr. BURNETT. Mr. Speaker, the gentleman from Texas [Mr. SLAYDEN] has well said that the bill which we now have under consideration is of the greatest importance. The purpose of the bill is to check the influx of insane aliens to this country.

Under the law as it now exists insane aliens are debarred from this country, but there is no penalty on the steamship companies for bringing them in. Under section 9 of the present immigration law steamship companies are subject to a fine of $100 for bringing in aliens who are idiots, imbeciles, epileptics, or who are afflicted with tuberculosis, and so forth. This bill proposes to make this penalty $200 and to make it apply to persons afflicted with insanity. There is a growing necessity for this law. The insane asylums of New York and some other Northern States are being filled with insane aliens coming from eastern and southern Europe, and if immigration from these countries is not checked the asylums of the Southern and Western States will soon begin to be crowded with this same class of people.

The steamship companies do not care how many of these people they dump on our shores so long as they can get the passage money, and they will continue to pour them in unless they are made to feel the heavy hand of the law forbidding it. I will here quote from the report of my Committee on Immigration on this bill:

An acute condition has arisen in certain sections of the country, conspicuously in New York State, where great numbers of insane aliens become the inmates of the State hospitals and are cared for at the State's expense. This imposes a tremendous burden upon the State from a financial standpoint as well as throwing it into jeopardy from excessive numbers of insane aliens.

The Commissioner of Immigration in his report for the fiscal year ended June 30, 1911, has this to say in regard to the question:

One of the most useful provisions of the present statute is section 9, by which a fine of $100 is assessed against any steamship line that brings to a United States port an alien afflicted with a loathsome or dangerous contagious disease, or with tuberculosis, or with idiocy, imbecility, or epilepsy. During the past year such fines were assessed in 246 cases, the aggregate amount being $24,600, of which $23,700 was on account of the first, $100 on account of the second, and $800 on account of the third class, respectively. It is believed this statute would be much more effective, however, if the amount of the fine were made considerably larger—sufficiently large to compel the transportation companies as a measure of self-protection to use greater care in the medical inspection of embarking passengers. The fine should also be made to cover cases of insanity, a class omitted from the present statute probably by inadvertence.

On page 9, report of New York State Board of Alienists for the year ended September 30, 1911, is the following:

It must be remembered that foreign countries look with favor upon the migration to America of diseased and defective persons. Examination by American officials at the ports of embarkation in Europe has been strenuously opposed by certain foreign Governments, and it is a notorious fact, commented upon in every annual report of the Commissioner General of Immigration, that the steamship companies make only the most perfunctory medical examination of passengers upon their departure for America. Thus there are no obstacles in the way of diseased persons embarking for this country. In the case of those returning, however, the conditions are reversed. The passengers are carefully scrutinized by ships' surgeons at the gangway, as they embark at the port of New York, and those who do not satisfy the steamship officials

or the representatives of foreign Governments stationed on such ships are peremptorily refused passage, even although they have been only a short time away from the countries to which they still owe allegiance. Cases are not decided individually, upon their merits, but as soon as it is learned that an applicant for passage has been in an institution for the insane he is at once rejected. It can be seen that, with an unimpeded flow of inferior immigrants to this country, and with an outflow which is so carefully regulated that only the prosperous and sound can return, we must ultimately become the asylum for an increasing number

On page 22 of the same report is the following:

For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country (to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year) it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration" (of Germans, Irish, and Scandinavians) would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

The New York Times of March 28, 1912, says:

INSANE ALIENS.

The Times is informed by Secretary McGarr, of the State commission in lunacy, that of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.

The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals 2,006 out of 3,221 residents of the city were of foreign birth; that is 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

The extracts from the report of the New York State Board of Alienists show an alarming condition. These reputable officials state that many foreign countries encourage the emigration of their insane and diseased people to this country in order to rid themselves of their care and expense. Then, is it not high time that we begin to protect ourselves against such outrages by most drastic laws? It is believed that placing a heavier penalty on the steamship companies for bringing them in will make them more careful about receiving them and in that way greatly check the outrages being perpetrated on our own people.

The following extracts from the New York State Hospitals Bulletin of April, 1912, show an appalling condition. On pages 5 and 6 it is said:

In February, 1912, there were 31,432 patients in the 14 State hospitals, 41.9 per cent of whom were of foreign birth. Careful studies have shown that the frequency of insanity in our foreign population is 2.19 times greater than those of native birth.

On page 13 the following is stated:

The relatively large contribution of Italy to the population of the hospitals for the criminal insane is worthy of comment. Although the Italians constitute but 5 per cent of the foreign-born insane population of the civil hospitals, they number 23.1 per cent of the foreign-born of the hospitals for the criminal insane. This nationality also contributes largely to the prison population of the State. The report of the State superintendent of prisons for the year ending September 30, 1910, shows that the Italians constitute 36.6 per cent of the foreign-born prison population of the State.

Relatively, the Germans and Irish contribute a much smaller percentage of insane with criminal tendencies.

On page 21 is the following:

First admissions of various nationalities committed before having been in the United States 5 years.

	Patients residing in New York City.		Total in New York State.	
	Number.	Per cent.	Number.	Per cent.
Austria	53	13.5	73	14.3
Canada	5	1.3	13	2.5
England and Wales	8	2.0	14	2.7
France	7	1.8	7	1.4
Germany	34	8.7	41	8.1
Hungary and Bohemia	28	7.1	32	6.3
Ireland	31	7.9	36	7.1
Italy	49	12.5	69	13.6
Russia and Poland	113	28.8	142	27.9
Scandinavia	16	4.1	20	3.9
Scotland	3	.8	6	1.2
All other foreign countries	46	11.7	56	11.0
Total	393	100.0	509	100.0

This table shows conclusively that the larger part of the immigrants who are admitted to hospitals for the insane within five years after landing come from Austria-Hungary, Italy, Russia, and Poland.

On page 36 it is said:

13. The larger part of the immigrants who are admitted to a State hospital within five years after landing come from Austria-Hungary, Italy, and Russia.

14. The foreign born first admissions show a higher rate of illiteracy than the native born.

15. The largest percentages of foreign-born illiterates are found among the Austrians, Russians, and Italians.

On page 46 it is said:

At $262 per patient the total annual cost to the State of the hospital care of the foreign-born patients now in the civil hospitals is $3,448,706. So long as the yearly addition of immigrants to the hospitals continues to increase this annual burden will continue to grow.

At the rate of $2,882 per patient the admission of 2,737 new foreign-born patients to the State hospitals in 1911 will involve a total expense to the State before these patients are finally discharged of $7,888,034.

The New York Herald of April 13, 1912, speaking of conditions in that State, said:

Recently the Herald published statistics showing that more than 60 per cent of the occupants of charitable institutions and insane asylums in New York were foreign born and likely entered here under the lax system of the immigration authorities.

For the most part the immigrants come from the unhealthy parts of southern Europe and carry contagious diseases. Many are weak minded, a condition difficult to detect, especially in children, and they are sent here by their relatives abroad, because they can receive better care in American institutions. A majority of the immigrants get no further than this city, and prominent medical authorities here have often declared that the foreigners are responsible for much of the disease in the tenement quarters.

JULY 24, 1912.

Hon. JOHN L. BURNETT,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

DEAR MR. BURNETT: Permit me to acknowledge receipt of your letter of July 16, and to say that the same has had most careful consideration. Your request that the Committee on Rules take favorable action so as to bring before the House the Dillingham bill has been thoroughly considered.

On behalf of the Committee on Rules I will say, as chairman, that early in December of the next session of this Congress the bill will be brought, by rule, before the House of Representatives in order that it may be duly considered. Just at this time the condition of business before the Committee on Rules and in the House of Representatives is such as to render it impracticable to report a rule and give the bill consideration during the present session. Thanking you for your letter, I am,

Very truly, yours,

R. L. HENRY,
Chairman Committee on Rules,
House of Representatives.

Mr. CANNON. Mr. Speaker, just a word, if the gentleman from Alabama [Mr. BURNETT] will permit. This bill further guards, as I understand the gentleman from Alabama, the immigration of insane people from foreign countries to this country. Therefore, I made the request which I did, that it might be considered as passed. I want to say further, that while I have certain fixed notions about immigration to this country I have no stone to throw in the way of the consideration of an immigration bill, but being in the minority I am powerless, although I am told that for months past a Senate bill has rested upon the calendar. It seems, however, our friends, the majority side of the House, are side-stepping it until after the next election. Whom do they want to fool?

Mr. BURNETT. Mr. Speaker, in reply to that I desire to say that while the gentleman was the Speaker of the House, during the last Congress, the Committee on Rules of that Congress had a similar resolution pending before it for months, and I do not know whether it was inspired by the former Speaker or not, but for some reason we were unable ever to get a resolution reported from that committee to make it in order when we were clamoring for it all of the time.

Mr. CANNON. Mr. Speaker, if the gentleman will permit, then as now, it was in the power of a majority of this House on any day, except Mondays and Wednesdays, to reach the calendar and consider and pass this bill. If you do not get a special rule, you have rules a plenty, if the majority of the House want to consider it on any day except Mondays and Wednesdays.

Mr. BURNETT. Mr. Speaker, it seems that the former Speaker's clamor never did come in during the days in 1907, when we were trying to get a bill passed containing an illiteracy test for immigrants, when the gentleman was Speaker, and when he secured the absence of many of his side of the House, as we all saw him do, in order to break a quorum and defeat the passage of that bill.

Mr. CANNON. Mr. Speaker, the gentleman from Alabama is mistaken, honestly I think, and I want him to take that back.

Mr. BURNETT. Very well. There were a hundred or two of them that were present.

Mr. CANNON. Mr. Speaker, the gentleman is again mistaken in that statement and I ask him to take it back.

Mr. BURNETT. If I am mistaken in the statement, of course I do not insist upon it, but that was the understanding

and the statement of gentlemen upon the gentleman's side of the House who saw the performance.

Mr. CANNON. Mr. Speaker, I say again that the gentleman is mistaken in letter and substance.

Mr. BURNETT. Very well, let it go at that.

Mr. CANNON. Very well. Then the gentleman withdraws that statement?

Mr. BURNETT. I do not withdraw the statement that I had that statement from Members on the gentleman's side.

Mr. CANNON. Then the statement is an unqualified untruth.

Mr. BURNETT. I am quoting from gentlemen on that side of the House who gave me the statement, and when the gentleman from Illinois states it is untrue he makes them out as stating an untruth.

Mr. MANN. Mr. Speaker, the fact is the quorum was not broken, so the gentleman must be mistaken.

Mr. BURNETT. No; the quorum was not broken—I withdraw that part of the statement.

Mr. MANN. But the gentleman makes the statement now.

The SPEAKER. The gentleman from Alabama has the floor.

Mr. MANN. The gentleman's statement is incorrect.

The SPEAKER. The gentleman from Alabama has the floor, and anybody who desires to interrupt must first address the Chair.

Mr. BURNETT. But the absence of enough Members was secured to defeat the proposition of the illiteracy test on the vote and not by breaking a quorum, as I erroneously stated.

Mr. CANNON. Mr. Speaker, I say again that a majority of the House then could have, as a majority of the House now can, on any day, except Mondays and Wednesdays, under the rules of the House, and without a special rule, consider and pass the Senate bill with or without the illiteracy test if it desires so to do.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. Under what is the House now proceeding?

The SPEAKER. It is proceeding under an effort to get unanimous consent to consider this bill.

Mr. HOWARD. Mr. Speaker, I have not heard any of these gentlemen who have interrupted the gentleman from Alabama reserve the right to object.

The SPEAKER. That kind of talk takes a very wide latitude.

Mr. MANN. But the gentleman was not here.

Mr. HOWARD. Oh, I have been here all of the time.

Mr. BURNETT. Mr. Speaker, I ask that the request be put.

The SPEAKER. Does the gentleman from Georgia object?

Mr. HOWARD. I do not. I wanted to know under what rule we were proceeding.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for the present consideration of this bill and to consider the committee amendments as adopted and the bill passed and the motion to reconsider made and laid on the table. Is there objection?

Mr. SULZER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. BURNETT. Mr. Speaker, there was no objection to the consideration of the bill.

The SPEAKER. That request has never been put. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, I again submit the request which I made before, that unanimous consent be given for the immediate consideration of the bill and that the previous question be considered as ordered on the bill and committee amendments to final passage.

Mr. RAKER. Mr. Speaker, I reserve the right to object.

Mr. COVINGTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COVINGTON. Is there anything now before the House?

The SPEAKER. There is before the House a unanimous-consent request of the gentleman from Illinois [Mr. MANN], and the gentleman from California [Mr. RAKER] reserves the right to object.

Mr. RAKER. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Whether or not under the request of the gentleman from Illinois, if it is granted, the bill will be permitted to be amended?

The SPEAKER. If the gentleman's request is granted, the bill can not be amended except by the committee amendments. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I would ask to have the request again stated.

The SPEAKER. The gentleman from Illinois will please again state his request.

Mr. MANN. Mr. Speaker, the purpose of my request was to facilitate the passage of a bill to which no one objected, and was that the bill might be taken up for consideration and that the previous question should be considered as ordered upon the bill and committee amendments to final passage.

Mr. GARDNER of Massachusetts. Does the gentleman request it be considered in the House, or is it a House bill?

Mr. MANN. It is a House Calendar bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of this bill and that the previous question shall be considered as ordered on the bill and committee amendments to final passage. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I gather from the statement of my distinguished colleague from Alabama that the Committee on Rules advised him that on account of the rush of other matters they have not time to consider a rule at this time. I do not know that I shall object to the present consideration of this particular bill, but when we approach the consideration of this bill I apprehend that it should be on a fair and correct basis of the facts in regard to it. For two months there has been pending before the Rules Committee of this House——

Mr. COVINGTON. Will the gentleman permit an interruption?

Mr. RODDENBERY. Not just now. A resolution making the Burnett immigration bill, a general restrictive bill, a special order. The Committee on Rules has considered dozens of special orders which have been brought to their attention subsequent to that time, and if we are not at this session to have consideration of general restrictive immigration legislation it should not be placed upon an incorrect excuse or attributed to a false reason. A suggestion has been made to the distinguished gentleman from Illinois [Mr. CANNON] that during his Speakership a similar bill was reported, and the Committee on Rules of the Republican House would not act upon it. It is true; and just about that time organizations interested in the advancement and passage of general restrictive immigration legislation wrote to the Members of the House of Representatives asking how they stood on such legislation. They began at the top. They addressed one of their communications to the honorable Speaker of the House a little prior to March 14, and at that time the Speaker replied:

> I am in favor of all just, proper, and rational legislation along the lines of regulating foreign immigration, but am not in favor of every proposition to restrict foreign immigration that may be proposed. Undoubtedly the right sort of immigration is desirable and the wrong sort ought to be shut out.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. RODDENBERY. Not at this moment. At the same time a letter was addressed to the Democratic leader of the House, Mr. UNDERWOOD, and he answered in a letter under date of February 26, 1910——

Mr. GOLDFOGLE. Will the gentleman give me a chance to ask him a question?

The SPEAKER. Does the gentleman from Georgia yield?

Mr. RODDENBERY. I decline to yield. The letter addressed by the Farmers' Union to these gentlemen was——

Mr. GOLDFOGLE. Mr. Speaker, I raise a question of order.

The SPEAKER. What is the question of order?

Mr. GOLDFOGLE. That the gentleman is not discussing the matter before the House, and that his remarks are not germane.

The SPEAKER. The question before the House is whether there shall be unanimous consent to the request made by the gentleman from Illinois. Any gentleman can bring this matter to a head by calling for the regular order. The gentleman will proceed.

Mr. RODDENBERY. In the letter the question was asked:

> Are you in favor of securing without delay more stringent legislation along the lines of restricting foreign immigration?

To which Mr. UNDERWOOD replied, under date of February 26, 1910:

> Fourth. Securing without delay more stringent legislation along the line of restricting foreign immigration.
>
> I have for many years been in favor of restricting immigration. Some years ago, on my motion, an educational test for immigrants coming into this country was passed by the House of Representatives, but defeated in the Senate. This proposition will continue to have my hearty support.

I desire to read now from the distinguished chairman of the Rules Committee——

Mr. GARDNER of Massachusetts. Mr. Speaker, I call for the regular order.

Mr. RODDENBERY (continuing). Mr. HENRY, and from Mr. POU, of the Committee on Rules, and Mr. HARDWICK, of the Committee on Rules, and others.

The SPEAKER. The gentleman is out of order. The question is on the request of the gentleman from Illinois [Mr. MANN] that the House grant unanimous consent for the present consideration of this bill, that the previous question on the bill and committee amendments be considered as ordered. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object——

Mr. GARDNER of Massachusetts. The gentleman can make no reservation of the right to object; the gentleman must know that.

The SPEAKER. The gentleman from Massachusetts has the right to demand the regular order, and that is equivalent to an objection. Is there objection now to the request of the gentleman that——

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. I would like to ask the Chair if it is not a fact as we are proceeding under unanimous consent that unanimous consent has to be acquired before the motion of the gentleman from Illinois is in order?

The SPEAKER. Why, that is exactly what the gentleman from Illinois is asking—unanimous consent.

Mr. HOWARD. I understand, Mr. Speaker, but he couples with the unanimous consent all of these provisos shutting off any amendment.

The SPEAKER. The gentleman could couple with it the Ten Commandments if he chose to do so. [Laughter.]

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Does the request for unanimous consent by the gentleman from Illinois interrupt the proceedings and prevent the conclusion of my remarks touching the position of distinguished Democrats on this question?

The SPEAKER. It shuts the gentleman out absolutely.

Mr. RODDENBERY. I shall therefore be obliged to object. I am in favor of a fair hearing and will continue my remarks on another day.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] objects. The question recurs, then, on the same request for unanimous consent to consider this bill. Is there objection?

Mr. BARTHOLDT. I object.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] objects, and the bill is stricken from the calendar. The Clerk will report the next one.

Mr. RODDENBERY. Mr. Speaker, may I have unanimous consent to extend my remarks in the RECORD?

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. RODDENBERY. The extension desired is to put in the RECORD——

Mr. FITZGERALD rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. FITZGERALD. In view of the character of the gentleman's remarks, he referring to the attitude of other gentlemen in this House, I think the extension he proposes should be specifically stated, and I therefore object.

The SPEAKER. The gentleman from New York objects.

Mr. RODDENBERY. Mr. Speaker, I withdraw my request.

The SPEAKER. The gentleman from Georgia withdraws his request. The Clerk will report the next bill.

INCREASING THE LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.'"

The bill was read.

The SPEAKER. Is there objection?

Mr. BURNETT. Mr. Speaker, I want to state that I am going to ask to have this bill passed over without prejudice.

Mr. MANN. Why not pass the bill?

Mr. BURNETT. Oh, no. I understood that perhaps there has been an arrangement by which the lands involved have been deeded to the Government——

Mr. FITZGERALD. Pass it, anyway.

Mr. MANN. Why not pass the bill?

Mr. BURNETT (continuing). And for that reason I agreed with the gentleman from Illinois [Mr. RODENBERG] that it be passed over.

Mr. MANN. If the gentleman has an agreement, all right.

Mr. FITZGERALD. The authority would still be there.

Mr. BURNETT. I understand the matter has been settled, and I want to get the bill up and passed at this session; but if that has not been done, I want to confer with the gentleman from Illinois [Mr. RODENBERG] first. I told him I would request on Monday to have it passed over, and without further conversation with him I do not think it should be considered at this time. I ask, Mr. Speaker, that the consideration of the bill be passed without prejudice.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that the consideration of this bill be passed without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

PREVENTING THE MANUFACTURE, SALE, OR TRANSPORTATION OF ADULTERATED FOODS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, be, and the same is hereby, amended by striking out the words "Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package," and inserting in lieu thereof the following:

"Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* That reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made in accordance with the provisions of this act, which shall not in the average reduce the weight, measure, or numerical count below that marked on said package."

SEC. 2. That this act shall take effect and be in force from and after its passage: *Provided, however,* That no penalty of fine, imprisonment, or confiscation shall be enforced for any violation of its provisions as to domestic products prepared or foreign products imported prior to 18 months after its passage.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 2, lines 11, 12, and 13, strike out the following language, beginning with the comma after the word "Act": "which shall not in the average reduce the weight, measure, or numerical count below that marked on said package."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Chair will request the gentleman from New York to wait for a moment. There is one more committee amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 19, by striking out the word "eighteen" and inserting in lieu thereof the word "twelve," so that it will read "twelve months after its passage."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move to strike out, on page 2, lines 14 and 15, the words "That this act shall take effect and be in force from and after its passage."

The United States Supreme Court has held that an act of Congress takes effect from the time of its approval, unless otherwise specified in the act. Congress should not include a declaration that is unnecessary under the decisions of the court.

Mr. COVINGTON. Mr. Speaker, I concede the accuracy of the statement of the gentleman from New York. Under ordinary circumstances referred to an act ought not to contain the expression, but, as the gentleman will observe, immediately after

that clause in the pending bill there is a proviso which sets forth that the enforcement of the act shall begin 12 months after the date of its passage. At the same time the establishment of the tolerances provided in the bill and the creation of the machinery of administration must begin at once. Consequently it is of some importance that the language of this act remain as it is. It makes clear to all persons who may have to comply with it the exact time when it will be enforced.

Mr. FITZGERALD. The act becomes effective except that part of the act which is specifically excepted from the operation of the rule as laid down by the courts—the law becomes effective, but under the act the penalty of confiscation shall not be enforced until a period of 12 months after the approval of the act.

Mr. MANN. Mr. Speaker, the statement of the gentleman in reference to the time when the act takes effect is absolutely correct. When this bill was first prepared there was this difficulty in reference to it: It was not desired to put the act into effect until a period of time had elapsed after its passage except as to that part of it which permitted regulations to be made.

The regulations would have to be made before the act would go into actual effect. Therefore, instead of providing that only so much of the act should take immediate effect as concerned the matter of regulation, the item in the bill provides that the act shall take effect; but, following that, it provides the enforcement of the act shall not take effect itself—plain language—for 12 or 18 months, as the case may be, depending upon the adoption of the amendment.

It seems to me that without the provision inserted here, that the act shall take effect upon its passage, the people who would obtain copies of the act would be entirely misled as to when the act does take effect. While it may be considered a matter of tautology and the statement of a truism, yet with the other provision in the bill it was thought desirable, and I think it is still desirable, to have that provision inserted there for the information of people who are interested in the bill. People all over the United States in the manufacturing business are very much interested in the provisions of this law and desire to know when and how far it takes effect. I hope the gentleman will not insist upon his amendment under the peculiar circumstances surrounding this bill.

Mr. FITZGERALD. I am by no means convinced by the gentleman, and if I had been drawing the bill I would have used the word "approval" instead of "passage."

Mr. MANN. It might never be approved. It is passed when it is approved.

Mr. FITZGERALD. That is a term not used in legislation. Laws do not take effect on their passage.

Mr. MANN. "Passage" is correct. An act is not passed until it is approved.

Mr. FITZGERALD. If the experts on the pure-food law are standing together on this matter——

Mr. MANN. I admit the impeachment.

Mr. FITZGERALD. Then I shall defer to their judgment and withdraw the amendment.

Mr. MANN. The gentleman from Maryland and myself are standing together on this matter.

Mr. COVINGTON. The gentleman from Illinois and myself usually stand together on matters relating to the pure-food law.

Mr. FITZGERALD. I withdraw the amendment, and in that way will relieve the gentlemen of the embarrassment under which they are laboring.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. COVINGTON, a motion to reconsider the last vote was laid on the table.

UNITED STATES DISTRICT COURT FOR PORTO RICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10169) to provide for holding the district court of the United States for Porto Rico during the absence from the island of the United States district judge, and for the trial of cases in the event of the disqualification of or inability to act by the said judge.

The bill was read, as follows:

Be it enacted, etc., That whenever the United States district judge of the district of Porto Rico shall be absent from the said district, and that fact shall be made to appear by the certificate in writing of the United States attorney or marshal of that district, filed in the office of the clerk of the United States district court for said district, or when for any reason the said judge shall or may be disqualified or unable to act as such in any cause pending in the district court of the United States for Porto Rico, and that fact shall be made to appear either by proper order entered in the record of said cause by the regular district judge, or by the certificate in writing of the United States attorney or marshal of that district filed in the office of the clerk of the United States district court for said district, the governor of Porto Rico may, by writing filed in the said clerk's office, designate a justice of the supreme court of Porto Rico either as temporary judge of said district court or as special judge thereof; and the temporary judge so designated as aforesaid shall have and may exercise within said district, during the absence of the regular district judge, all the power of every kind by law vested in said district judge, and after the return of said district judge to said district, shall continue to have and exercise said powers with respect to any cause, the trial of which shall have been commenced before him or which shall have been submitted to him for decision prior to the return of said district judge; and the special judge so designated as aforesaid shall have and may exercise within said district all the power of every kind by law vested in said district judge with respect to any cause named in the writing by the governor, filed as aforesaid, designating the said special judge as aforesaid: *Provided*, That no additional compensation shall be paid to either such temporary district judge or special district judge for services rendered pursuant to such designation.

The SPEAKER pro tempore (Mr. HOUSTON). Is there objection?

Mr. SISSON. Reserving the right to object, I should like to ask who has charge of this bill?

The SPEAKER pro tempore. The bill was introduced and reported by the gentleman from Alabama [Mr. CLAYTON].

Mr. FLOYD of Arkansas. Mr. Speaker, I will state to the gentleman from Mississippi the facts in regard to the necessity for this legislation as I understand them.

There is now no provision in the law under which the district court can be held in Porto Rico in the absence or disqualification of the district judge.

Mr. SISSON. I gathered that from the bill. I should like to inquire about the compensation of the judge who sits in the absence of the regular judge. Is any additional expense imposed upon the Federal Government to pay the salary of the judge who sits temporarily in the absence of the regular judge?

Mr. MANN. There is a proviso in the bill that there shall be no additional expense.

Mr. FLOYD of Arkansas. The bill expressly provides that.

Mr. SISSON. In other words, the Federal judge loses his salary during his absence.

Mr. MANN. The bill says that no additional compensation shall be paid to either such temporary district judge or special district judge for services rendered pursuant to such designation.

Mr. SISSON. I did not have the bill before me.

Mr. FLOYD of Arkansas. It protects the Government from any additional expense, and is intended as a matter of public convenience.

Mr. SISSON. If additional compensation could be allowed, the regular judge might be encouraged to be absent; and he might be absent for 12 months. I have no objection to the bill.

Mr. FLOYD of Arkansas. I will state to the gentleman from Mississippi that that is taken care of in the bill, which provides that there shall be no additional expense incurred in such cases. Mr. CLAYTON, the chairman of the Committee on the Judiciary, is the author of this bill, and his report, made to the House on the same, sets forth the facts fully, and is as follows:

[House Report No. 614, Sixty-second Congress, second session.]

TEMPORARY OR SPECIAL JUDGE, UNITED STATES DISTRICT COURT OF PORTO RICO.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 10169):

The Committee on the Judiciary, having had under consideration the bill (H. R. 10169) to provide for holding the District Court of the United States for Porto Rico during the absence from the island of the United States district judge and for the trial of cases in the event of the disqualification of or inability to act by the said judge, report the same back with the recommendation that it do pass.

This bill seeks to make provision for the designation by the Governor of Porto Rico of a justice of the Supreme Court of Porto Rico to act, either as temporary judge of the United States District Court for Porto Rico or as a special judge thereof, during the absence of the judge of the said court or his disqualification to sit in any case or cases before that court. Such temporary or special judge would, under the provisions of the bill, receive no compensation in addition to that received by him as justice of the Supreme Court of Porto Rico. Its enactment would remedy such a situation as that which existed during the April (1911) term of the District Court of Porto Rico when the late Judge John J. Jenkins was in his last illness and the business of the court was suspended. In fact it was this very condition which called attention to the necessity for such legislation as it is here proposed.

In the second contingency mentioned—that is, in case of the disqualification of the United States district judge to sit in any case—it would be necessary without this proposed amendment of the law for a judge to be sent from the United States to Porto Rico. It is not settled that a circuit judge or a circuit justice has the power to assign a district or circuit judge from one of the districts in continental United States to the district of Porto Rico. At all events it would seem wise to save the expense of sending a district judge to Porto Rico by a proper measure such as your committee believe this bill to be.

The enactment of the legislation was recommended by the Attorney General in his letter to the chairman of the Committee on the Judiciary under date of April 25, 1911, which letter and the memorandum therein mentioned for the Secretary of War from Gov. Colton, of Porto Rico, under date of April 20, 1911, are hereto appended.

OFFICE OF THE ATTORNEY GENERAL,
Washington, April 25, 1911.

Hon. HENRY D. CLAYTON,
Chairman Committee on the Judiciary, House of Representatives.

MY DEAR MR. CLAYTON: The Secretary of War advises me that he has had a talk with you with respect to procuring some legislation under which during the absence of the United States district judge for Porto Rico a justice of the supreme court of the island may act in his stead. Both Judge Jenkins, United States district judge, and Gov. Colton recommend the passage of such an act, and it would seem to me to be quite necessary that there should be some such legislation. It may be a question whether or not under the general power of a circuit judge or circuit justice to assign a district or circuit judge from one district to another a judge from one of the districts in the United States proper could be assigned to Porto Rico. Aside from that the expense of sending a judge from the mainland to the island is worthy of consideration. The supreme court of the island is composed of a chief justice and four associate justices, two of whom are Americans and three native Porto Ricans. During the absence from the island of the regular United States district judge, it seems to me that one of these justices might properly hold the district court, and I have drafted a bill, which I inclose for your consideration, which would authorize that to be done.

I also inclose a memorandum from the Governor of Porto Rico and a letter from Judge Jenkins recommending this legislation.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney General.

[Memorandum for the Secretary of War.]

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, April 20, 1911.

There is considerable business pending in the United States District Court for Porto Rico, and the time for opening its April term has passed.

Judge Jenkins, the incumbent, is in the United States and is in such ill health as to make his return at all problematical, and under the most favorable circumstances impossible for two or three months.

Meanwhile all business of the court is suspended, and the rights of litigants are thereby prejudiced, and there is no one with judicial authority to act upon applications for emergency writs or to sign orders; neither is there any authority in law for the designation of a substitute judge during the absence or disability of the regular incumbent.

To relieve the immediate situation, as well as to enable the designation of a substitute judge whenever necessary in an emergency or when the regular judge may be absent on leave, it is suggested that Congress be requested to authorize the President to designate one of the judges of the Supreme Court of Porto Rico to act, without extra compensation, as judge of the United States district court during any absence of the regular judge.

Attached hereto is a letter from Judge Jenkins upon this subject.

Respectfully submitted.

GEO. R. COLTON,
Governor of Porto Rico.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FLOYD of Arkansas, a motion to reconsider the last vote was laid on the table.

FORT M'HENRY.

The next business on the Calendar for Unanimous Consent was the bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War and to authorize its partial use as a museum of historic relics.

The bill was read, as follows:

Be it enacted, etc., That Fort McHenry and the Government grounds therewith connected shall remain a Government reservation under the exclusive jurisdiction of the United States and in the control of the War Department for military purposes: *Provided*, That said fort proper and appurtenant grounds may, with the assent and under the control of the Secretary of War, be occupied as a military museum under such rules and regulations as he, in his discretion, may prescribe.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object——

Mr. ROBINSON. Reserving the right to object, I should like to ask the gentleman the area and location of this reservation.

Mr. LINTHICUM. Mr. Speaker, the area of Fort McHenry is now 50 acres. Formerly there were 52¾ acres, but 2¾ acres were given by the Government to the Skinner Shipbuilding & Drydock Co., who now maintain a drydock for the use of the Government.

Mr. ROBINSON. What is the purpose in making the reservation?

Mr. LINTHICUM. It is primarily to take care of one of the historic forts of this country.

Mr. ROBINSON. Did the committee consider the administrative cost of the proposition?

Mr. LINTHICUM. I am not a member of that committee. I am simply representing Senator RAYNER for the bill. I can not see where there will be any expense, except, probably, cutting the grass and keeping the buildings and fortifications in order.

Mr. ROBINSON. Has the reservation any source of revenue?

Mr. LINTHICUM. None whatever.

Mr. ROBINSON. The gentleman knows that it will require a superintendent and other employees to take charge of it and look after it, will it not?

Mr. LINTHICUM. It is Government property, with Government buildings on it, and troops have been there until within the last 10 days, and no doubt troops will be placed there later on. There are officers' quarters and quarters for soldiers, and the Government naturally will not allow its property to run down.

Mr. ROBINSON. Why not keep it for that purpose?

Mr. LINTHICUM. It will be kept for that purpose. I will say to the gentleman that the primary reason for this bill is that for the past 10 years there have been efforts by various parties to use these grounds for other purposes. Eight years ago the Agricultural Department wanted these grounds as a quarantine station for cattle, and it was only by the alertness of the citizens of Baltimore in procuring a lease of these grounds from the Government for a nominal rent that we kept it from being turned into a quarantine station for cattle at that time.

Mr. ROBINSON. How far is it from Baltimore?

Mr. LINTHICUM. It is in Baltimore. At the time of the Battle of Fort McHenry it was about 4 miles. I think the gentleman remembers the historic facts connected with the old fort.

Mr. FINLEY. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. FINLEY. Is not this place that you propose to make a reservation probably the most historic point in all Maryland connected with the War of 1812?

Mr. LINTHICUM. I think we Marylanders and all patriotic societies consider it the most historic point.

Mr. FINLEY. I agree to that, and that is the real reason why the passage of this bill is urged.

Mr. ROBINSON. Does the gentleman from South Carolina agree that it will involve no cost to the Government?

Mr. FINLEY. I think the cost to the Government would be inconsiderable. I am one of those who believe that to honor those who have gone before us and to mark the spot of greatest historic interest we do a credit to ourselves; and, as I say, I think the cost to the Government will be inconsiderable.

Mr. ROBINSON. Mr. Speaker, in view of the statement made by the gentleman from Maryland, I shall not object.

Mr. SISSON. Mr. Speaker, reserving the right to object, I notice that the proviso in the bill says that the fort property and appurtenant grounds may, with the assent of the Secretary of War, be occupied as a military museum under such rules and regulations as he may in his discretion prescribe. It seems that it is contemplated in this bill that the Secretary is directed to use this as a museum, and it will cease to be used as a fort.

Mr. LINTHICUM. I think not; but the gentleman will find that it says that the Secretary of War may assent, and so forth.

Mr. SISSON. I understand that if the Secretary of War should not agree to it, of course it could not be set apart as a museum, but in the event that he did assent to it, when his order was once entered, it then becomes a museum, and could not under the provisions of this bill ever become again a military reservation.

Mr. SLAYDEN. I wish to ask, if the gentleman from Maryland will permit me, if it is not contemplated by the War Department to abandon this as a military post?

Mr. LINTHICUM. It is the contemplation of the War Department to abandon it is a military post, and it is contemplated by patriotic societies to collect here all the historic relics they can get which are of interest, and probably erect a museum at some future day.

Mr. SLAYDEN. Mr. Speaker, with the further consent of the gentleman from Maryland, I want to say that when my attention was drawn to the fact that the Government expected to abandon this post for the stationing of troops—they have had the Coast Artillery there for some time—I suggested, and I think it is something that ought to be done, that as they were seeking an appropriation from Congress to erect a building for an engineers' school, the economic and wise thing would be to go to Fort McHenry and establish the school there. It is close enough to Washington to keep the school in easy touch with the Capital, closer than the artillery school at Fort Monroe, and it would establish something that the people at Baltimore and

Maryland would like to have—an important school. It would also preserve this historic fort, which is the scene, I believe, of the writing of the Star-Spangled Banner.

Mr. TALBOTT of Maryland. The flag that was floating at twilight and at dawn inspired the hymn.

Mr. SISSON. I want to state that there is a good deal of uncertainty as to what might finally become of the property under the terms of this bill. It seems to leave it within the discretion of the Secretary of War to determine what sort of a museum shall be put up there, and for what purposes the property might be used in the future. In view of the statements made by the gentleman from Texas, do you not think it wise to wait until the Secretary of War or the War Department abandons it for a fort before you undertake to dispose of it?

Mr. LINTHICUM. The War Department has practically abandoned it already. Within less than 10 days they have removed all of the troops. We are trying to get an engineers' school there and use the property for some purpose. The property is so close to the city of Baltimore that for the purposes of a fort it is of practically no use.

Mr. SISSON. If you use it for a museum you can not use it for a school.

Mr. TALBOTT of Maryland. The buildings are all there and there would be no additional cost to the Government to establish the school.

Mr. SISSON. But that does not answer my question.

Mr. MONDELL. Mr. Speaker, we are all interested in Fort McHenry, but we can not hear the conversation on the other side of the House in regard to it.

Mr. SISSON. I want to thank the gentleman from Wyoming for that compliment he has just paid me, because what I say may not amount to much, but I never was accused before of not talking loud enough to be heard. What I want to try to get at in this matter is whether or not under the provisions of this bill, if it passes, and the Secretary of War should set it apart as a museum, it can be used in the future for any other purpose without repealing the act?

Mr. LINTHICUM. I will say that I just told the gentleman that there were 50 acres of ground there. The engineers' school which we are trying to get located there would take up but a very little space. It would be a magnificent site for it, and it would be absolutely under the War Department.

Mr. SISSON. But under the act you get that ground for a museum. The bill says the "fort property and appurtenant grounds," and that would include all the grounds appurtenant to this fort—entirely too much to be set apart for a museum. If you want any reservation for school purposes the bill ought to provide for it. It should be set apart for museum purposes and for such other purposes as the War Department might desire.

Mr. MANN. Mr. Speaker, it has not been possible to hear all the private conversation that has been going on in the southeast corner of the hall. Will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Maryland yield to the gentleman from Illinois?

Mr. LINTHICUM. With pleasure.

Mr. MANN. Mr. Speaker, how much is the cost of this museum to be?

Mr. LINTHICUM. I will say to the gentleman from Illinois that there is no present prospect of a museum there.

Mr. MANN. There is no limit of cost of the museum in this bill, I notice.

Mr. LINTHICUM. The Government is not expected to erect any museum there and there is no present prospect of one.

Mr. MANN. But the bill says that it shall be occupied as a military museum, and there is no limit of cost. Does not the gentleman know that that at any time would authorize an appropriation in unlimited amount, year after year, for a museum there?

Mr. LINTHICUM. I would say to the gentleman, as I said before, that there is no present prospect or any idea of asking for any appropriation for this fort, but we do feel that a fort which occupies the place in history that Fort McHenry has occupied, when the British forces had taken this city and burned the buildings and were checked at Fort McHenry and North Point, it is entitled to be preserved to all posterity.

Mr. MANN. What is the purpose of putting in the bill that it is to be occupied as a military museum if there is no intention of doing it?

Mr. LINTHICUM. There is nothing in the bill that says that it shall be occupied as a military museum, but that it may be occupied as a military museum, with the idea that is carried out at Mount Vernon and at other places, where patriotic societies may be able to collect relics pertaining to the War of 1812, and that subsequently they may have a museum, but there is no present prospect whatever of it or any idea of it.

Mr. MANN. If there is no intention of having a museum there I can see no object in passing a bill providing for it.

Mr. TALBOTT of Maryland. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Mr. Speaker, I believe I have the floor. I reserved the right to object.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. LINTHICUM] had the floor, and he yielded to the gentleman from Illinois.

Mr. SISSON. Mr. Speaker, in order that we may settle this matter permanently, if my objection is to be dealt with in that way I can stop the discussion by making an objection now, but I had some matters in respect to which I desired to be satisfied.

The SPEAKER pro tempore. The gentleman from Maryland has the floor.

Mr. TALBOTT of Maryland. Mr. Speaker, I would ask the gentleman from Maryland to give me three minutes' time to explain this bill, and probably there will not be so many objections to it.

Mr. HAY. Mr. Speaker, I suggest to the gentleman from Maryland, in order to meet the objection of the gentleman from Illinois and possibly of that of the gentleman from Mississippi, that if he would amend the bill by striking out the proviso he would accomplish everything that is desired.

Mr. TALBOTT of Maryland. Or he could say "such other purposes as the War Department may use the property for."

Mr. SISSON. Mr. Speaker, I would say to the gentleman from Virginia that I have no objection to the passage of the bill if he will strike out the proviso. In the first place, I do not want to commit the Government to using all of this land for a museum, and I do not want to commit the Government in any way, directly or indirectly, to the establishment of a museum there. I am willing to have it remain as Government property, and am willing that it may be preserved for military purposes and taken care of, but I do not want to commit the Government indirectly to the establishment there of a museum.

Mr. HAY. Mr. Speaker, I suggest to the gentleman from Maryland that he cut the Gordian knot by doing that.

Mr. MANN. Mr. Speaker, will the gentleman from Mississippi yield?

Mr. SISSON. Yes.

Mr. MANN. Would the gentleman from Mississippi and the gentleman from Maryland and the gentleman from Virginia agree to strike out all after "department," in line 6?

Mr. SISSON. Yes.

Mr. HAY. No; we want to preserve it for military purposes. That is the purpose of the bill.

Mr. MANN. I do not know whether we want to preserve it for military purposes or not. The purpose of the bill is to prevent it from being turned over to the Interior Department for sale.

Mr. HAY. Or to the Agricultural Department to establish a quarantine station for cattle there.

Mr. MANN. That would leave it read that the grounds shall remain a Government reservation, in the exclusive jurisdiction of the United States, in the control of the War Department.

Mr. HAY. That is what it is now.

Mr. SISSON. I have no objection to that. If it is for the purpose of committing Congress to the preservation of Fort McHenry, I have no objection to the bill at all.

Mr. TALBOTT of Maryland. Mr. Speaker, I will ask the gentleman from Maryland to yield me three minutes.

Mr. LINTHICUM. Mr. Speaker, I yield three minutes to the gentleman from Maryland.

Mr. TALBOTT of Maryland. Mr. Speaker, the people of our State are very much exercised as to what is to be the final disposition of Fort McHenry. It is an historic spot, not only with us, but it is with the Nation. It is the place where at twilight the flag was flying and where it was still flying at dawn, the place where Key was inspired to write his immortal hymn. Our people do not want this historic place taken from the Army or from them. That is all there is in it. It belongs to us. We ought to have there a monument to Key and the Government ought to have that as a reservation. It ought to be occupied as an historic place, where was inspired the grandest national hymn for liberty-loving people that has ever been written. That is all I desire to say about it.

Mr. LINTHICUM. Mr. Speaker, I want to explain to the gentleman from Mississippi that the idea of that clause in this bill is not for the purpose of committing the Government to anything. It is for the purpose of allowing the patriotic societies, if they so desire, to get space there for a museum of some kind. It is not worth while for me to talk to this House about the historic importance of Fort McHenry. Everybody

ought to realize and know it. It is the place where the British troops were checked in their march through this country, and from that time on were defeated, and we regained our prestige. Had it not been for their repulse at Fort McHenry and North Point there is no telling whether this Union would have kept together, because the New England States were talking very peculiarly at that time. It was not only the question of writing the Star-Spangled Banner, but it was the question of saving the Star-Spangled Banner at that time.

When Francis Scott Key went to get his friend released from that British battleship, when he remained there during the darkness and when the sun went down he saw the Star-Spangled Banner floating he naturally wanted to know whether that flag was still flying at the dawn's early light, and when he beheld that flag he wrote that immortal poem, the Star-Spangled Banner. Now, it is a question whether this Government wants to preserve its historical spots; whether it wants to desecrate those spots or hand them down to posterity. I hope the day may come, Mr. Speaker, when this country will have preserved all its historical spots, when it reveres the memory of its great battles and its wars more than it does the mere getting of money, as now seems to be the ruling passion in all parts of this country. Therefore this bill has been pushed forward by the patriotic societies not for the purpose of having the Government spend any money, because it will not take any money except to cut the grass and keep the building and fortifications in shape, but for the purpose of preserving it and handing it down to future generations as the Fort McHenry where the British were repulsed and where our national honor was upheld.

Mr. STEPHENS of Texas. Will the gentleman yield? I desire to suggest an amendment which, I think, will satisfy all parties in this matter.

Mr. LINTHICUM. I want to say to the gentleman from Mississippi that if he is in doubt as to this question about the Government having the right to make it a military museum, I am perfectly willing to leave it in the hands of the War Department and let them handle it.

Mr. SISSON. Mr. Speaker, I will say to the gentleman from Maryland I think he will get all he wants, because it will be left in the control of the War Department, and the bill then will provide that it shall be kept as a Government reservation, and it in no way commits the Government to a museum, and if these societies desire to use the building for that purpose they could get a permit from the War Department, because it is under its control. I think that is all the gentleman is asking for.

I am in sympathy with it, but I do not want to commit the Government to the establishment of a museum. The Mount Vernon proposition, to which the gentleman referred, he will realize is a proposition where the patriotic ladies of the country made up a subscription to purchase Mount Vernon. It was not done by the Federal Government. As far as the school is concerned, my information is that the War Department has estimated already an appropriation for the present school. I would not care anything about that except I would not like for the bill to commit us to——

Mr. SPARKMAN. What school?

Mr. SISSON. This military school—engineering school.

Mr. SPARKMAN. The last river and harbor bill provided for it.

Mr. SISSON. If the gentleman from Maryland will agree to the suggestion made by the gentleman from Illinois [Mr. MANN], I have no objection, if he will strike out all after the words "War Department," in line 6.

Mr. LINTHICUM. I have no objection to it if the gentleman thinks it is an advantage.

Mr. SISSON. With the understanding that the bill will be amended, in line 6, by striking out all after the word "Department," I will withdraw my objection.

The SPEAKER. There is no one who can give that assurance. Of course, you can have an agreement with the gentleman from Maryland that he will not oppose it. The Chair has ruled, in ordinary practice, that if a man in charge has no objection to an amendment and nobody else objects——

Mr. SISSON. If anybody should object to that statement, I think they ought to object to the agreement, and I assume that the House does not object to the agreement.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask my distinguished friend from Maryland whether, if the amendment referred by the gentleman from Mississippi be agreed to——

Mr. LINTHICUM. I have no objection to it if the gentleman from Mississippi and the gentleman from Illinois think it ought to be done.

Mr. MANN. I would like to ask whether when the bill goes back to the Senate and the Senate will disagree to the House amendment and ask for a conference, having obtained the bill in a privileged status, in the closing hours of the session they would expect to pass the bill as it now is?

Mr. HAY. Mr. Speaker——

Mr. MANN. I am trying to get the attention of the gentleman from Maryland first and then of my friend from Virginia. Does the gentleman think that will be satisfactory to the body at the other end of the Capitol?

Mr. LINTHICUM. Certainly, I think I can answer that question, but the Senator who introduced the bill is not here, and I could not say; but, so far as I am concerned, it will be perfectly satisfactory, because I am sure the War Department would not have any objection to the use of one of these old buildings for a museum or something of that kind without any expense upon the part of the Government. I can not answer for the conference committee, but I can see no objection to it.

The SPEAKER. Is there objection?

Mr. MANN. Just one remark. If that is the understanding on the part of the House, and if this bill goes to conference and the language we have stricken out by the amendment is reinserted, I would consider a confidence game had been played upon me, and I would not have it happen again during this Congress.

The SPEAKER. The House can instruct the conferees. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I offer the following amendment, to strike out all after the word "Department," in line 6, page 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of the bill after the word "Department," in line 6, page 1.

The question was taken and the amendment was agreed to.

Mr. HAY. Mr. Speaker, I will say in response to the gentleman from Illinois that I do not know upon what authority the gentleman could state that a confidence game would be played upon him if the Senate insisted upon disagreeing to the amendment of the House and asked for a conference.

Mr. MANN. Oh, no; I did not state that.

Mr. HAY. That is equivalent to what the gentleman stated. Now, of course, nobody here can speak for what the Senate will do. They may disagree to the House amendment or may agree to it. I do not know what they propose to do; but I do not think that the House can take previous action upon a question of this kind.

Mr. MANN. The House can not control the Senate.

Mr. SISSON. In reference to the statement made by the gentleman from Illinois, to which the gentleman from Virginia excepted, I stated that, in view of the statement made here in the presence of all the Members, virtually unanimous consent was obtained for the passage of the bill with the amendment, which simply commits the conferees to the proposition, and if the House was unwilling——

The SPEAKER. Well, at this stage of the proceedings the House can not bind the conferees anyway, and the question is on the third reading of the bill.

Mr. LINTHICUM. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The Clerk read as follows:

Amend by inserting after the word "department," page 1, line 6, the following: "*Provided further*, That nothing in this act shall interfere with the present use of the piers now erected upon said fort ground nor the erection by the Government of any other pier thereupon for Government purposes, with necessary egress and ingress thereto."

Mr. LINTHICUM. Mr. Speaker, I ask that the word "further" be stricken from that amendment, inasmuch as the other amendment provided for it.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to modify his amendment by striking out the word "further." Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Maryland [Mr. LINTHICUM].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title of the bill will be amended to conform to the text of the bill.

There was no objection.

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINTHICUM. In the amendment I have made it came in after the word "department," as the balance of the clause was stricken out by the previous amendment. Is that correct?

The SPEAKER. That is the way to do it.

On motion of Mr. LINTHICUM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to bills of the following titles:

H. R. 22195. An act to reduce the duties on wool and manufactures of wool; and

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

RELIEF OF HOMESTEAD ENTRYMEN.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead."

The Clerk read the title of the bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the amendment in the form of a substitute be read in lieu of the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the substitute, as follows:

Be it enacted, etc., That sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any homestead entryman of lands of the character herein described, upon which entry final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres.

"SEC. 4. That at the time of making final proofs, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made or hereafter makes additional entry under the provisions of section 3 of this act may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from the date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry, or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence, as required by section 2291 of the Revised Statutes."

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. ROBINSON. Mr. Speaker, I will make a statement concerning the purposes of the bill.

This bill is amendatory of the two acts providing for enlarged homesteads, one approved February 19, 1909, applying to Colorado, Montana, Nevada, Oregon, Utah, and Washington, and the second approved June 17, 1910, applying to Idaho.

Both of these acts relate solely to nonmineral, unreserved, and nonirrigable lands which the Secretary of the Interior may have designated as not susceptible of successful cultivation at a reasonable cost from any known source of water supply—dry-farm lands.

The primary purpose of the bill is to carry out what may be regarded as one of the original purposes of the two acts referred to, namely, to permit entrymen of this class to have the advantage of residence on their original entries. The two acts referred to contain the following provision:

Residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

The department construes this to mean that full term of residence must be had after the additional entry is made. The bill will permit the residence on the original entry to be taken into consideration.

Other amendments are adopted to conform to the three-year homestead act of June 6, 1912. Under the existing laws one-eighth of the area embraced in the original entry must have been continuously cultivated in agricultural crops other than native grasses, beginning with the second year, and one-fourth must have been so cultivated, beginning with the third year.

The bill under consideration is more liberal with the homesteader, and provides, in conformity to the three-year homestead act of June 6, 1912, that one-sixteenth, beginning with the second year, and one-eighteenth, beginning with the third, must have been continuously cultivated. Under the proposed act the entryman, in making proof upon his additional entry, shall be credited with residence upon his original entry from the date of such original entry, but the cultivation must be shown respecting such additional entry, and made upon the original or additional entry, or upon both, and must be cultivation in addition to that relied upon and used in making proof upon the original entry. Or, if he elects, his additional and original entries may be considered as one.

Now, I yield to the gentleman from Illinois.

Mr. MANN. First, may I ask as to the form of the bill? It provides for an amendment of sections 3 and 4 of two different acts.

Mr. ROBINSON. I will state to the gentleman that the title should be amended.

Mr. MANN. I am not speaking of the title. It says "sections 3 and 4 of the act," and names two acts.

Mr. ROBINSON. That amendment was made to conform to the suggestion of the Secretary of the Interior in his communication to me as chairman of the Committee on the Public Lands.

The bill as originally drafted by the gentleman from Colorado [Mr. TAYLOR] did not embrace the second act, which applies to Idaho, and it is desired, both by the department and those seeking the legislation, that it shall apply to both of those acts.

If the gentleman will permit me just one further statement, I will say that there seems to be a great demand, coming from the States named, for this legislation. I myself have received several hundred letters from persons alleging themselves to be entrymen, and the bill is designed in its primary feature to give the benefit of the original acts to entrymen and at the same time to conform to the enlarged homestead act of June 6, 1912, as I have already stated.

Mr. MANN. With all due respect to the gentlemen who have written to the gentleman from Arkansas, I believe it is a universal rule that there is always a great demand for something that can be gotten for nothing.

Now, let us see whether that is the case here or not. That is what I want to know. You leave out of section 3 of the law the provision in reference to cultivation and residence, on the ground that under the existing law the residence and cultivation of the original entry, in order to be good on the additional entry, must be made after the additional entry is made.

Mr. MONDELL. Will the gentleman from Arkansas yield to me for a moment?

Mr. ROBINSON. I will yield to the gentleman from Wyoming.

Mr. MONDELL. I judge that the gentleman from Illinois, from the inquiry he makes, does not clearly understand what was intended or done.

Mr. MANN. I have asked a simple question.

Mr. MONDELL. Nothing was left out of section 3 excepting for the purpose of putting it in section 4 in a somewhat different form.

Mr. MANN. You left it out of section 3, did you not?

Mr. MONDELL. We left a paragraph out of section 3 in order to put it in another way in section 4. If we were going to put it in section 4, we had to leave it out of section 3.

Mr. MANN. Oh, no; you did not have to leave it out of section 3 at all. You left it out of section 3 for the reason I indicated. Do you deny that?

Mr. MONDELL. Yes; I deny that.

Mr. MANN. For what reason did you leave it out of section 3?

Mr. MONDELL. Because the department had practically nullified the provision in section 3, and it was on the suggestion of the department that the proviso was added to section 4, con-

taining the provisions which were in section 3 in a modified form.

Mr. MANN. The gentleman does not deny the statement I made about leaving it out of section 3, and he admits the correctness of the reason I gave for leaving it out of section 3. The question now is, What is the reason for inserting it in section 4, and how is it inserted in section 4? Does the gentleman claim that under this bill when a man makes an original entry and then wishes to take an enlarged homestead he will be required to make any cultivation at all upon the additional land taken?

Mr. MONDELL. Oh, yes.

Mr. MANN. Then what does this mean:

or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed.

What does that mean if it does not permit a man to use the cultivation upon his original entry in order to get the additional land without any cultivation of the additional land?

Mr. MONDELL. That is what he could have done under the language that is stricken out, as the gentleman knows.

Mr. MANN. I know better. I know he could not.

Mr. MONDELL. If the gentleman will yield for a moment, the language stricken out is this:

And residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

Mr. MANN. Yes.

Mr. MONDELL. Clearly under that language it was unnecessary for the entryman either to live upon or to cultivate the additional entry. The Secretary, in construing that, held that it should be read as though the statement was that residence upon and cultivation of the original entry subsequent to the additional entry shall be deemed as residence upon and cultivation of the original entry. Even under the Secretary's ruling it was unnecessary either to reside upon or cultivate the additional entry, but sufficient residence and sufficient cultivation must be had subsequent to the additional entry to meet the requirements of the law as to residence and cultivation. Now, in order to meet that ruling and leave the law as nearly as possible as it was originally intended, but still not quite as favorable as it was to the entryman, these words were left out of that section and a proviso added to section 4.

Mr. MANN. Does the gentleman think this would not make it quite as favorable to the entryman as it was originally?

Mr. MONDELL. No; it is not quite as favorable to the entryman.

Mr. MANN. That is sufficient reason for me to object. I do not believe in taking away rights already possessed by homesteaders.

Mr. MONDELL. It is not as favorable as the original legislation would have been, except for the rather extraordinary ruling of the Secretary relative to it.

Mr. MANN. I thought the gentleman would change his statement. The gentleman treats his construction of the law as final, whereas the people who construe the law in the administrative department are the ones who make the construction and not the gentleman from Wyoming after the act is passed.

Mr. MONDELL. I think it is scarcely necessary to discuss this construction of the Secretary.

Mr. MANN. I think not, because I think it was clearly understood that the construction made by the Secretary was the construction that would be put upon it; and it never was intended that a man who had an original homestead entry should, when the time came for him to make final proof, be permitted to acquire another 160 acres which he never had stepped on and never had done anything with, and gain the title to the additional land without turning his hand over.

Mr. MONDELL. If the gentleman from Illinois, whose memory is usually excellent, will refresh his memory by referring to the discussion at the time the act was passed, he will find that he himself made that very statement with regard to the act, and that he somewhat objected to the act on that ground.

Mr. MANN. The gentleman was persuaded then that the act would be construed otherwise. Now he complains of that construction and insists that I was right then, although he then insisted that I was wrong.

Mr. MONDELL. I never insisted that the gentleman was wrong, because the language is so plain that I do not believe there is anyone under the sun, save the man who decided it, who would have decided it as he did. I will read it again:

And residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

That certainly is plain English, but the Secretary decided that that did not mean what it said, although he admitted that his decision created a hardship, and he himself suggested the amendment in the language in which we have it before the House.

Mr. LAFFERTY. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. LAFFERTY. Is not the object of the law that was passed some time ago, which you are seeking to amend, simply to give those who had made a homestead entry without exercising the right to the 320 acres to take 160 acres additional in order to make the 320 without making proof?

Mr. MONDELL. Yes; and for this logical reason: Within the past few years men have been taking 160-acre homesteads of the dry lands which are properly enterable under the enlarged-homestead law, but which were not so designated at the time they made the original entry. Subsequently the land was designated as coming under the law—the land they are living upon as well as the additional entry. That being true, there is no reason why the man who located two or three years ago should be denied the right which the man now gets by making entry on the land.

Mr. RAKER. If the gentleman will yield, I suggest that this bill puts the man who heretofore filed on the location on the same basis as the man who now files.

Mr. MONDELL. Yes; if the land is enlarged-homestead land.

Mr. RAKER. And you can not get 320 acres unless it is that kind of land.

Mr. MANN. He can get it if he works it, but you want to let him get it without doing a stroke of work on it. He can get it now if he wants to cultivate it.

Mr. MONDELL. Under the Secretary's ruling it is not necessary for the man to cultivate the additional land or reside upon it. The Secretary makes no such ruling as the gentleman from Illinois claims.

Mr. MANN. He is required to cultivate the additional land on the original entry, which, in this bill, you propose to cut in two.

Mr. MONDELL. The gentleman does not mean that. He does not have to cultivate it under the Secretary's ruling any more than he is required to under this bill. The only change this makes under the Secretary's ruling is this: If this act should pass, he would not be required to reside upon his entry after he took the additional land only long enough to complete his residence from the date of the original entry.

Mr. LAFFERTY. I would like to ask the gentleman another question.

Mr. MONDELL. I will yield.

Mr. LAFFERTY. Is it not a fact in practice that no lands can be entered under the 320-acre homestead law until they have been designated by the Secretary as being lands incapable of irrigation?

Mr. MONDELL. That is true.

Mr. LAFFERTY. And also lands of a semiarid nature?

Mr. MONDELL. And lands that do not contain merchantable timber.

Mr. LAFFERTY. And do we not, in order to get applications started, take a year or two to get them through, and the man files on the land expecting to enlarge his homestead entry at such time as the lands are designated as subject to the law?

Mr. MONDELL. Yes; it often occurs that a man settles on dry lands in anticipation of their being designated under the enlarged-homestead law.

Mr. MANN. May I ask whether under the existing law they are compelled to have under cultivation one-eighth of the area embraced in the entry for agricultural crops other than grasses beginning the second year of the entry?

Mr. MONDELL. The language of this statute is exactly the language of the three-year homestead bill that we passed, so that it does not change that.

Mr. MANN. It changes these sections.

Mr. MONDELL. We wrote the same provisions in here because it is already the law. The three-year homestead law fixes the period of residence, and we followed that law.

Mr. MANN. This has nothing to do with the period of residence. I am talking about the cultivation.

Mr. MONDELL. That was fixed in the law.

Mr. MANN. I do not understand that the three-year homestead law changes these sections.

Mr. MONDELL. I will say that the three-year law did change them exactly as they are here. The three-year law provided specifically for the amount of cultivation, including the enlarged homestead, and fixed the area exactly as we fix it in this bill.

Mr. LAFFERTY. Will the gentleman yield again?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Oregon?

Mr. MONDELL. I will.

Mr. LAFFERTY. If a man should avail himself of the provisions of this bill to enlarge his homestead to 320 acres, would not he be required to double the amount of cultivation before he could prove up?

Mr. MANN. He would not be required to double anything if he was cultivating under the original law one-eighth, as the law requires, of the original entry. Under this bill he would be permitted to take the additional 160 acres without cultivating an additional acre or an additional piece of ground.

Mr. MONDELL. He must cultivate, as the gentleman from Illinois knows, one-sixteenth of the area of the entry, whatever it is, and later, one-eighth of the area, whatever it is, and therefore if he increases the area he would have to increase the acreage of cultivation unless he was already cultivating an amount which was equal to one-eighth and the one-sixteenth of 320 acres.

Mr. MANN. This law applies to entries already made, and that law requires, beginning the second year, that he must have one-eighth under cultivation. The gentleman now proposes to reduce that to one-sixteenth.

Mr. MONDELL. The gentleman does not want to state what is not true, I know, and if the gentleman will remember—and I am sorry I have not a copy of the three-year homestead law here——

Mr. MANN. But assuming that it was taken by the homestead law, that did not apply to this additional 160 acres——

Mr. MONDELL. It did apply to it in terms.

Mr. MANN. If the gentleman will ever permit me to make a statement without interrupting until I get through, we will get along better—did not apply to this 160 acres, under the provisions of this act. The gentleman now proposes to make the cultivation of that one-eighth already made a sufficient excuse for a man to take the additional 160 acres, and provide that in cultivation, as in the homestead law, one-sixteenth of the entire amount, which is no more than one-eighth of the original 160 acres, shall be sufficient, so that the purpose of this bill is to grant an additional 160 acres to every homesteader in this region who has not already acquired 320 acres without any additional cultivation.

Mr. MONDELL. Mr. Speaker, if the gentleman will permit me, I will try and state again briefly just what this law does, because I think the gentleman has not the matter clearly in his mind. The only change this makes in the present law is this: That under the present law as interpreted by the department a man making an additional entry can not receive credit for residence and cultivation on his original entry prior to his taking the additional entry, and this bill provides that he may have credit for such residence and cultivation on his original entry both prior and subsequent to the additional entry, but it does not reduce the amount of land that he must cultivate. It does change the period during which, under certain conditions, cultivation would have to be had. In other words, if this bill were not passed, and a man had for two years cultivated enough of a 160-acre homestead to entitle him to a 320-acre homestead, all he would be required to cultivate on a 320-acre homestead, he would get the credit for it, whereas under the present interpretation of the law the cutivation that applies to the additional entry must be for a period subsequent to the taking of the additional entry. That is the only difference.

Mr. FRENCH. And the bill would practically restore the original interpretation of the present law.

Mr. MONDELL. As we understood it—as the committee understood it—at the time, it does not perfectly restore that condition, however, for this reason: Should the entryman make proof on his original entry separate from his additional entry, it does not give him credit for the cultivation he may have had on the original entry, and in that respect it is not as favorable to the entryman, as we understood the bill to be as it originally passed. But if he sees fit to combine his two entries, then it leaves him practically in the position we understood he was in when we passed the other bill. It does not relieve him from any cultivation that he would now be required to make. It does relieve him in some cases from the necessity of a certain amount of cultivation subsequent to the time he takes his additional entry.

Mr. MANN. Does the gentleman deny that this would give a man there now having a homestead entry, of which he has cultivated 10 or 15 acres, the right to an additional 160 acres without compelling him to do anything more?

Mr. MONDELL. I deny that he could get it without cultivating first a one-sixteenth and then a one-eighth of the entire area.

Mr. RAKER. Mr. Speaker, would the gentleman permit an interruption?

Mr. MANN. Not unless he desires to answer the question.

Mr. MONDELL. If he has cultivated a sufficient amount of his original entry to meet the requirements of the law as to the entire 320 acres, that would be true.

Mr. LAFFERTY. That would be 40 acres.

Mr. MANN. No; if he has cultivated 20 acres of his original 160 acres and is ready to take up the homestead under this bill, would he not be entitled to increase it 160 acres more?

Mr. MONDELL. No; because that would not be an eighth of 320 acres.

Mr. MANN. But it does not require an eighth of the entry, whatever it is.

Mr. MONDELL. Yes; of final cultivation. It requires an eighth. That would be 40 acres.

Mr. MANN. Forty acres.

Mr. RAKER. Mr. Speaker, will the gentleman from Illinois permit me to call his attention to the language of the bill that we passed, known as the three-year homestead law:

Provided further, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged homestead law double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation.

Mr. MANN. What is the point the gentleman is making?

Mr. RAKER. The law already provides, the law which we passed, the same area of cultivation that is provided for in this bill, one-sixteenth and one-eighth.

Mr. MANN. Yes; but that is not the gist of this bill.

Mr. LAFFERTY. Will the gentleman permit me to answer his question?

Mr. MANN. The purpose of this bill is in the new part, and the new part absolutely eliminates in practice what the gentleman has read.

Mr. LAFFERTY. As I understand it, the gentleman from Illinois figures that under certain circumstances the man who now has a homestead entry might under this bill be permitted on proving up on it to get 160 acres more without doing anything in addition to what he had already done, and it is true that if the present homestead entryman in a dry area had 40 acres cultivated he could add, at the time he made final proof, another 160 acres without doing anything additional in the way of residence or cultivation; but I want to ask the gentleman why that is not fair and right. If a man went there at a time when he could not avail himself of the 320-acre homestead law, in the dry region, and has cultivated an eighth of 320 acres and the law has since been liberalized and there is a vacant 160 acres adjoining his, why should he not have the same right that other people making those entries now have, and why should he not have 320 the same as an entryman now going out into this country? Only in rare instances would the exception which the gentleman from Illinois has suggested apply.

Mr. MANN. This will apply to a great many homestead entries, will it not—quite a few?

Mr. LAFFERTY. Very few.

Mr. MANN. Quite a few where people have already gone on the land under the theory it was not subject to the 320 and have been satisfied with the 160 acres.

Mr. LAFFERTY. No.

Mr. MANN. Then, if there is no demand, why should you have the bill?

Mr. LAFFERTY. The demand comes from many others.

Mr. MONDELL. The rather insistent demand now and the demand which I think we ought to give heed to is largely coming from men who understood that they could prove up on their combined entries and get title, and who under the new ruling, having made their additional entry quite recently, would be required to live on their land three years before they could make final proof.

Mr. MANN. I suppose that will not kill them.

Mr. MONDELL. It affects them very seriously. A good many of such men are affected seriously and will need relief, and the department thinks it ought to be afforded.

Mr. MANN. One would suppose from hearing gentlemen from the so-called public-land States speak on the floor that the only object of men in getting a homestead was to get away from it, whereas plenty of them got homesteads to live upon them.

Mr. MONDELL. A man frequently proves up his homestead as a basis of credit. It is not for the purpose of moving but——

Mr. MANN. What basis of credit would it be to present a man 160 acres if he has already 160 acres that is not worth anything?

Mr. MONDELL. Well, 320 acres of land, even if it is not very good land, is better than 160 acres, which is not large enough in area, if the land is fairly good land, to take care of the man.

Mr. LAFFERTY. I would like to state I have gone into this subject with reference to Oregon and we have in one county over 4,000,000 acres—that is Harney County—of vacant unreserved lands subject to homestead, and we are anxious for people to come and take it, but they do not do it; and it is in reference to such lands that we need this law.

Mr. MANN. Gentlemen often state on the floor that because all the land in the United States has not been occupied that therefore it is not worth anything, and yet you can go around the city of Washington, the Capital of the country, in any direction and find land that is not under cultivation.

Mr. LAFFERTY. We have over 17,000,000 acres in Oregon, over one-fourth of the State, vacant, unreserved, and open to all comers.

Mr. MANN. They have taken up in the last year one-fourth as much as in the last 20 years.

Mr. LAFFERTY. They did not come to Oregon.

Mr. RUCKER of Colorado. Will the gentleman yield for a suggestion? I would like to get back to the first chapter of Genesis upon this proposition.

Mr. MANN. Nobody on that side of the House will be familiar with what you are going to talk about. [Laughter.]

Mr. RUCKER of Colorado. The fact is I do not think my friend MONDELL has put this case before the House just as it is and as it should address itself to your minds. In the first place the addition of 160 acres, the enlarged-homestead act, was passed with a view of allowing a cultivation of 160 acres one year and 160 acres the other year, allowing the cultivation of 160 acres that would otherwise lie fallow. Now, then, that view was taken by the Secretary and it was compromised by reason of the bill that I put in, which required not a cultivation at all of the additional 160 acres or the original 160 acres unless the settler himself concluded it was the best thing for him to do, and he after all was the best judge of that. Now, we provide in my bill that he would put in catch basins, he would dig wells, and put other improvements upon the land in lieu of the cultivation, or, in other words, the plowing up of this land.

Now, I have in my district I think as much, possibly more than any other Member here, of this arid land outside of the district of the gentleman from Wyoming. Of course his land is not worth anything anyhow, and dry farming or any other kind of farming would not do any good up there in Wyoming, but in our section of the country we run across this proposition, that if you plow up this land and undertake to put it in cultivation and you do not pursue that Campbell system of dry cultivation, cultivating the soil every month throughout the year, then you are going to lose all the profits that might come from the land, and so, therefore, there was a compromise in that the land should not be plowed up where the grass was growing unless the settler concluded it was the best thing for him to do, because I know from my own experience that the original grass will not grow for 20 years upon the land when it is once plowed up. So, therefore, the settler under this bill—I think this is an infamous bill in my judgment—would be required to put it in cultivation. Cultivation means plowing up of the soil, and unless you follow it up by the Campbell system of dry farming then you are going to lose the entire usufruct of the land, because the grass will not grow upon that land for 20 years.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I shall have to object.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar.

EXTENSION OF REMARKS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill (S. 6354) in relation to Fort McHenry.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

CONFEDERATE CEMETERY AT LITTLE ROCK, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.

The bill was read.

Mr. TILSON. Mr. Speaker, the gentleman from Arkansas [Mr. JACOWAY] introduced this bill, and also placed it on the Unanimous Consent Calendar after it had been reported by the Committee on Military Affairs. Mr. JACOWAY, I am informed, is ill and can not be here to-day. I should like to ask unanimous consent that this bill remain on the calendar and be passed without prejudice.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to pass this bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

INCREASE OF PENSIONS TO SURVIVORS OF INDIAN WARS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14053) to increase the pensions of Indian War survivors in certain cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the rate of pension to survivors of the various Indian wars who are now on the pension roll or who may hereafter be placed thereon under the acts of July 27, 1892, June 27, 1902, and May 30, 1908, shall be $12 per month.

The SPEAKER pro tempore (Mr. SISSON). Is there objection to the consideration of this bill?

Mr. MANN. Reserving the right to object, I would like to ask if anybody here represents the Committee on Pensions?

Mr. RUCKER of Colorado. I will say, Mr. Speaker, in answer to the question of the gentleman from Illinois, that the gentleman from Alabama [Mr. RICHARDSON] is ill and can not be here. I would like to have this bill passed over, therefore, without prejudice.

Mr. MANN. I would like very much to pass the bill, while reserving the right to object, but I do not believe that the bill ought to be passed fixing the rate of $12 per month. These survivors of the Indian wars are all survivors of wars prior to 1860. We have granted to Mexican War soldiers $30 a month. I do not believe, if we are to amend the law and change it, that it comports with the dignity of the Republic to provide only $12 a month for these old veterans.

Mr. FOSTER. Let me say this: I served four years on the Committee on Pensions, and these survivors were granted $8 a month under the law. It has always been the rule of the committee and the rule of the House that any one of these Indian war survivors getting $8 a month is increased by special act to $16 per month without objection. They were all considered in cases that the committee and the House always passed.

Mr. MANN. Now, I will explain a complication about the bill, if I may, in just a moment. There are three acts of Congress referred to here, putting survivors of Indians wars upon the pension roll at $8 a month in each case. That puts the survivors of Indian wars who served for 30 days, and also their widows, on the roll at $8 per month. They are under the same law, so that the rate fixed in this bill, if enacted into law, would apply both to the survivors of the wars and their widows. I think the survivors ought to have the same rate, or very close to it, that is now granted to Mexican War veterans. This goes back and covers some of the Texas Rangers in the fifties.

If you are going to increase the pensions of these few men, now away on in years, they ought to be increased to a reasonable amount. Whether or not the widow ought to have her pension increased to $30 a month is another question. The widows probably ought not to be increased beyond the amount paid to the widows of Mexican War soldiers.

Mr. HAY. I want to ask the gentleman from Illinois if it is not a fact—as I believe it is—that when a man is granted a pension by special act the Committees on Pensions refuse to increase the amount, and if one of these survivors has been granted a pension by special act at the rate of $8 a month, this bill would not do him any good?

Mr. MANN. This would not do him any good; but under the language of this bill, if an Indian war survivor had obtained a special act for $16 a month——

Mr. HAY. Well, for $8 a month——

Mr. MANN (continuing). This bill would reduce him to $12, because there is not inserted here the usual provision that it shall not operate as a reduction in any case.

Mr. HAY. I know of one case where a man obtained a pension for service in one of these Indian wars under a special act.

Mr. MANN. He probably was not entitled.

Mr. HAY. He got it by special act, and the committee declined to consider any bill for an increase.

Mr. MANN. Well, I will offer an amendment.

Mr. SPARKMAN. Mr. Speaker, I would like to suggest, in connection with what the gentleman from Illinois has said, that he is entirely right. Twelve dollars a month is too small an

amount for the surviving soldiers of those old Florida and other Indian wars.

Mr. MANN. I will say to the gentleman that if consent is given to the consideration of this bill, I have an amendment prepared to strike out "$12" and insert "$30"; and if that comes up I am going to offer the amendment.

Mr. SPARKMAN. I shall certainly support that.

Mr. FITZGERALD. The gentleman proposes to do what?

Mr. MANN. To make the pension $30 a month instead of $12.

Mr. FITZGERALD. Widows as well as veterans?

Mr. MANN. That feature will probably be corrected.

Mr. FITZGERALD. I do not think we ought to legislate on that theory.

Mr. MANN. I think the gentleman is right about that.

Mr. FITZGERALD. If this bill is not correct, it ought to go over. I am not sure that it should not be corrected. But if we are to start the precedent of pensioning widows of wars at $30 a month, the House should have full knowledge of it. I suggest that the bill be passed over.

Mr. SPARKMAN. This does not seem to provide for pensioning widows at all.

Mr. FITZGERALD. It does, it is stated, under the wording of the act.

Mr. MANN. It does provide for the widows.

Mr. FITZGERALD. I think the consideration of this bill had better be deferred. There will be another day for its consideration.

Mr. MANN. I say it applies to widows. The language is "survivors." Maybe it would not apply under the original act. The original act specifically applied to widows. This is "survivors of the Indian wars." Perhaps that would not apply to the widows.

Mr. SPARKMAN. I think the intention of it was to have it apply only to the surviving soldiers of those wars.

Mr. RUCKER of Colorado. That is my understanding about it.

Mr. SPARKMAN. I will say that I have introduced a bill increasing the amount to $24.

Mr. MANN. Why not amend the bill, and say "surviving soldiers" instead of "survivors," at $30 a month? That would cover it.

Mr. WARBURTON. That is good.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out, in line 4, the word "survivors" and insert in lieu thereof the words "surviving soldiers."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 1, line 4, by striking out the word "survivors" and inserting the words "surviving soldiers."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I move to strike out, in line 9, the word "twelve" and insert in lieu thereof the word "thirty."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 9, by striking out "twelve" and inserting "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. MANN. I ask that the title of the bill be amended.

The SPEAKER. If there be no objection, the title will be amended to conform to the text.

There was no objection.

On motion of Mr. SPARKMAN, a motion to reconsider the last vote was laid on the table.

GREAT NORTHERN RAILWAY CO. BRIDGE ACROSS MISSOURI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River.

The bill was read, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches across the Missouri River at a point suitable to the needs of navigation, to be selected by said company and approved by the Secretary of War, either in the county of McKenzie or Williams, in the State of North Dakota, or the county of Dawson or Valley, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly hereby reserved.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I notice that this bill provides that the location of this bridge shall be selected by the company and approved by the Secretary of War. The general bridge act provides that the company shall submit a map, and so forth, of its proposed location, and that before the bridge can be built it must be approved by the Secretary of War and the Chief of Engineers. It does not seem to me desirable to depart from the requirement that it shall receive the approval both of the Chief of Engineers and of the Secretary of War. I will ask the gentlemen interested in the bill whether they are willing to strike out that provision.

Mr. SIMS. Mr. Speaker, I reported the bill, but I will yield to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, this proposes to permit the construction of a bridge across the Missouri River between Montana and North Dakota. The reason why this bill differs from the ordinary form, as the committee are informed, is that the banks of the river are very high and there was some difficulty in finding the right sort of location along the river. So this sort of latitude was given for the location of the bridge by the company, subject to the approval of the Secretary of War. If the gentleman cares to add the Chief of Engineers, I have no objection.

Mr. MANN. Why not strike out the words "to be selected by said company and approved by the Secretary of War"?

Mr. STEVENS of Minnesota. There will be no objection to that. That leaves it subject to the provisions of the bridge act.

Mr. MANN. That would leave sufficient latitude without making any change in the usual form.

Mr. STEVENS of Minnesota. Certainly; there is no objection to that.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend, page 1, lines 8 and 9, by striking out the words "to be selected by said company and approved by the Secretary of War."

The SPEAKER. The clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, lines 8 and 9, by striking out the words "to be selected by said company and approved by the Secretary of War."

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

BRIDGE ACROSS MISSISSIPPI RIVER, MOLINE, ILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25073) to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa.

The bill was read, as follows:

Be it enacted, etc., That the Moline-Bettendorf Bridge Co., an Illinois corporation, be, and it is hereby, authorized to construct, maintain, and operate a railroad and wagon bridge across the Mississippi River at a point suitable to the interests of navigation, from a point east of Twenty-third Street, in the city of Moline, in the county of Rock Island and State of Illinois, to the town of Bettendorf, Iowa: *Provided*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided further*, That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the approval of the act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. COOPER. I should like to ask the gentleman to what use this bridge is to be put. I see it is to be constructed by a bridge company, and the words "a railroad and wagon" are stricken out.

Mr. COVINGTON. At the time this bill was before the committee the gentleman's colleague [Mr. ESCH] looked into the matter and reported upon it. I presume it is to be an ordinary bridge, to be used for the traffic between one county and another. The gentleman from Illinois [Mr. MCKINNEY] is the author of the bill, and can no doubt state precisely what use is to be made of the bridge.

Mr. MCKINNEY. I will say in reply to the inquiry of the gentleman from Wisconsin that after being drawn in its original form the bill was changed by certain amendments proposed by the committee, which make it comply with the general bridge bill for bridges over navigable streams. The purpose is to

have a wagon bridge and also a railroad bridge. It is to serve the purposes of those two communities. The bridge company is not a foreign company at all, but is composed of citizens of the two communities.

Mr. COOPER. Is the company to charge tolls?

Mr. STEVENS of Minnesota. They would have a right to do so under the general law.

Mr. McKINNEY. The project would not pay at all if they did not.

Mr. COVINGTON. If the gentleman from Illinois [Mr. McKINNEY] will permit me, I will state to the gentleman from Wisconsin that the general bridge act in existence to-day provides ample safeguards, even in the matter of fixing tolls.

Mr. COOPER. Moline is a city. Is Bettendorf the name of a private individual?

Mr. McKINNEY. It is the name of a place.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the words "a railroad and wagon."

Mr. MANN. The word "a" should not be stricken out. That should remain in the bill, and therefore should be eliminated from the amendment proposing to strike out.

The SPEAKER. If there be no objection, the modification suggested by the gentleman from Illinois will be agreed to. The question is on the amendment as modified.

There was no objection. The amendment as modified was agreed to.

The Clerk read as follows:

Page 1, lines 9 and 10, strike out in line 9, after word "Iowa," the words "*Provided*, That the bridge shall be built."

The amendment was agreed to.

The Clerk read the following committee amendment:

On page 2, after the word "six," in line 2, strike out the words: "*Provided further*, That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the approval of the act."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

Mr. COVINGTON. Mr. Speaker, there is an amendment to the title.

By unanimous consent, the title was amended to read: "To authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa."

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUBPORT OF ENTRY AT PORT BOLIVAR, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22199) to establish a subport of entry and delivery at Port Bolivar, in the State of Texas.

Mr. GREGG of Texas. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that the substitute be read in lieu of the bill. Is there objection?

There was no objection.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the limits of the port of entry of Galveston, Tex., be, and the same are hereby, extended to include Port Bolivar, in that State.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State."

EXCHANGE OF LANDS WITHIN INDIAN, MILITARY, AND NATIONAL FOREST RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, or national forest or other reservation, and for other purposes.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. RAKER. Mr. Speaker, I hope the gentleman from Illinois will withhold that objection. I would like to ask unanimous consent to address the House for 10 minutes on this bill.

Mr. MANN. Mr. Speaker, I think in view of the fact that this bill and one like it has been on the calendar for three months, and the gentleman has been heard upon it frequently, and the fact that we have a large calendar to-day to get through with, I must object.

The SPEAKER. Does the gentleman adhere to his objection?

Mr. MANN. I do.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on this bill that the gentleman objects to.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for 10 minutes.

Mr. MANN. Reserving the right to object, I will say to the gentleman that I will be glad to cooperate with him and get unanimous consent for him to address the House for 10 minutes or 20 minutes at any other time, but there is a long list of bills yet to be disposed of, and I feel constrained to object.

TERMS OF COURT AT TRENTON, N. J.

The next business on the Calendar for Unanimous Consent was the bill (S. 4838) to amend section 96 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and hereby is, amended so as to read as follows:

"SEC. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Trenton on the third Tuesdays in January, April, and September. At each term of the district court it shall be lawful for the judge holding such term, on consent of both parties or on application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be held or tried at the city of Newark, in said district, upon the day set for that purpose by said judge: *Provided*, That such application shall be made to said judge, either in vacation or term time, at least one week before the date set for trial of said cause and on at least five days' notice to the opposite party or his or her attorney; and writs of subpœna to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge to be in attendance upon said court in the city of Newark."

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I want to call the attention of the House to the fact that heretofore I have not objected to any bills on the Calendar for Unanimous Consent. I have tried to give consideration to other Members of this House. The bill that was just objected to—I hate to say it, but I can not help but believe that it was because of some personal matter. If there is anyone from the West wants to object, let him do it. We will then know who it is, and can then obtain his reasons for such objections and it may be obviated by proper amendment. That bill has been gone into by the Public Lands Committee on two public hearings, testimony was taken and published, parties interested were heard and given an opportunity to be heard.

Mr. MANN. Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state it.

Mr. MANN. I make the point of order, Mr. Speaker, that the gentleman from California is not discussing anything before the House.

Mr. RAKER. I want to say, Mr. Speaker, before the Chair rules, that if the gentleman intends to drive all the rest of the bills from the calendar to-day he can do so. I have sat here patiently for two months——

The SPEAKER. The point of order is well taken. The Chair will state to the gentleman from California that no Member is obliged to give his reasons for objecting to any bill. It may be for personal pique; it may be for the public interest; it may be for one thing or it may be for another; but he does not have to state his reasons.

Mr. RAKER. Mr. Speaker, I do not want to transgress the rules, but I believe that I ought to be able to state to the House the further fact——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

STATUS OF ARMY OFFICERS IN AVIATION SERVICE, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17256) to fix the status of officers in the Army detailed for aviation duty, and to increase the efficiency of the aviation service.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage and approval of this act the pay and allowances as are now or may be hereafter fixed by law for officers of the Regular Army shall be doubled for such officers as are now or may be hereafter detailed by the Secretary of War on

aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier-than-air craft, and while so detailed, as provided in section 1: *Provided further*, That no more than 30 officers shall be detailed to the aviation service.

SEC. 2. That paragraph 2 of section 26 of an act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," shall not limit the tour of detail to aviation duty of officers below the grade of lieutenant colonel: *Provided*, That nothing in this act shall be construed to increase the total number of officers now in the Regular Army.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia whether he considers it necessary in order to provide sufficient officers for purposes of aviation to double both the pay and the allowance?

Mr. HAY. I do. I do not know of any branch of the military service which is more important than military aviation.

Mr. MANN. I have been trying to urge that idea upon the House for some years, and I am glad the gentleman has come to agree with me.

Mr. HAY. I can assure the gentleman that it has been urged successfully upon me, and I have given this matter a great deal of consideration. I am satisfied that if aviation progresses in the same way for the next five years that it has done in the last five years a great many problems of war which now confront us will be solved, and solved in the interest of peace. Therefore, I am anxious, so far as I can, to do all that is possible for that service in this country.

Mr. MANN. Mr. Speaker, I fully agree with the gentleman about that.

Mr. HAY. As to the compensation of these gentlemen who are engaged in it, I will state that they are unable to obtain accident insurance as well as life insurance. They take their lives in their hands every time they go up into the air. If anything happens to the engine of the machine they are liable to be killed instantly. These men, it is true, are volunteers. The department does not compel anyone to engage in this service. They are volunteers, and in justice to their families—and some of them are married and others have people dependent upon them—I think they should receive extra compensation. They should not engage in this work unless they receive extra compensation. I do not believe that the compensation provided in this bill is more than it ought to be.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. HUMPHREYS of Mississippi. Under the law as it exists now is there any bounty or pension paid to the widows and dependent children of officers who are killed by accidents in these aeroplanes?

Mr. HAY. Under the law the widow and dependent children of any officer who dies in the discharge of his duty are entitled to a pension, but it is small.

Mr. HUMPHREYS of Mississippi. How much?

Mr. HAY. I think the widow of a captain gets $30 a month.

Mr. MANN. It depends upon the rank.

Mr. HAY. And a major $40. None of them gets over $50 a month. I think a brigadier general's widow gets only $50 a month.

Mr. HUMPHREYS of Mississippi. And that same pension goes to the widows of men who are killed, without regard to the manner in which they meet their death?

Mr. HAY. Yes; killed in the line of duty.

Mr. HUMPHREYS of Mississippi. It is only when killed in line of duty that they are entitled to a pension?

Mr. HAY. Only when killed in line of duty. If they are out of the service and they are killed by accident when they are not performing military duty, as I understand it, they are not entitled to a pension.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. FITZGERALD. Has the gentleman considered the propriety of limiting the operation of this law to five years? I agree with the gentleman that at this time there are conditions which I think appeal to everyone, but the feeling is that within a few years the science of aviation will be a comparatively safe one, when we realize the great advance that has been made for it in the last few years; and if it is developed to a point where it becomes safe, I doubt whether there should be this distinction. It occurred to me that perhaps if this law were enacted to last during a period of, say, five years, it would be wise. If in that time the improvements were such as to make the science safe, then this extra compensation should not be given.

Mr. HAY. I have no objection to putting a limitation upon the time.

Mr. FITZGERALD. I make that suggestion to the gentleman.

Mr. HAY. I have no objection to that, and I will offer it as an amendment, if the gentleman will suggest it.

Mr. TILSON. Mr. Speaker, what is the gentleman's proposition?

Mr. HAY. To limit the provisions of the bill to five years.

Mr. TILSON. So that each officer who goes into it will understand that at the end of that period——

Mr. FITZGERALD. No; that during the next five years this law shall apply.

Mr. HAY. Yes; and if, as the gentleman seems to think, aviation becomes much safer, then it will not apply after that time.

Mr. TILSON. And we all hope it will become much safer.

Mr. HAY. It will not be necessary then to pay them as much, and the law can be extended if it does not become any safer.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I understand the chairman of the committee desires to offer an amendment limiting the time, and after that I desire to offer some amendments.

Mr. HAY. Mr. Speaker, I move to amend the bill in line 3, after the word "that," by inserting the words "for five years."

The Clerk read as follows:

Amend, page 1, line 3, by inserting after the word "that" the words "for five years."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I offer the amendments which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

After the word "Army," page 1, line 5, insert "Navy and Marine Corps."

Mr. MANN. Mr. Speaker, I reserve a point of order upon that amendment.

Mr. ROBERTS of Massachusetts. What is the objection?

Mr. MANN. What is the reason for it? It is limited to five years—I will withdraw the point of order.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

After the word "War," page 1, line 7, insert the words "or the Secretary of the Navy."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 2, line 2, after the word "officers," insert the words "of each service."

Mr. MANN. Just a moment. Will that amendment include 30 for the Army, 30 for the Navy, and 30 for the Marine Corps?

Mr. ROBERTS of Massachusetts. That is the purpose.

Mr. MANN. Does the gentleman wish to have 60 in the Navy?

Mr. ROBERTS of Massachusetts. I will say at the present there are no officers of the Marine Corps detailed to aviation work, and the developments of the future may be such that it may be thought advisable to put that branch of the service on the Marine Corps.

Mr. MANN. I think it will be time enough to wait some time before we provide 30 officers for that service.

Mr. HAY. I would suggest to the gentleman from Massachusetts that he make it 30 officers for the Army and Navy.

Mr. ROBERTS of Massachusetts. That is agreeable, as long as I get the Marine Corps in.

Mr. MANN. The Marine Corps would be included in the term "Navy."

Mr. ROBERTS of Massachusetts. Then, change the amendent so it will say "not more than 30 officers of the Army and 30 officers of the Navy and Marine Corps."

The Clerk read as follows:

Insert, after the word "officers," line 2, page 2, the words "of the Army and 30 officers of the Navy."

Mr. HAY. I understand the amendment of the gentleman from Massachusetts provides there can be 30 officers of the Navy and Marine Corps combined, and not of each.

Mr. ROBERTS of Massachusetts. That is the idea.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On page 2, line 11, after the word "Army," add the words "Navy or Marine Corps."

Mr. ROBERTS of Massachusetts. I will say that provision is for the purpose of providing there shall be no increase of the officers in the service by reason of aviation.

The question was taken, and the amendment was agreed to.

Mr. HAY. I suggest an amendment, page 2, line 1, to strike out the words "in section 1" and insert the word "herein."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the words "in section 1" and insert the word "herein."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read as follows: "To fix the status of officers of the Army, Navy, and Marine Corps detailed for aviation duty, and to increase the efficiency of the aviation service."

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

During the consideration of the above bill,

EXCHANGE OF LANDS WITHIN FOREST RESERVATIONS.

Mr. RAKER. Mr. Speaker, I would like to have unanimous consent to address the House for two minutes. I began a statement which I do not like to leave uncompleted.

Mr. MANN. Does the gentleman from California feel that he can relieve his mind in two minutes?

Mr. RAKER. I think I can get relief by continuing. [Laughter.]

Mr. MANN. I ask unanimous consent that the gentleman have five minutes, so as to be sure.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from California [Mr. RAKER] be allowed to address the House for five minutes. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, the original bill, H. R. 25738, that was objected to a few moments ago, is a copy with two important amendments upon it of a bill which was considered by the Committee on the Public Lands, as I stated, and after public hearings and after due consideration by the committee at least at three sessions the bill was favorably reported, and when this bill 25738 was introduced it was again considered by the Committee on the Public Lands and reported favorably by that committee, and unanimously at that.

The same bill was introduced in the Senate by Senator PERKINS, hearing was had before the Committee on Public Lands, and that committee unanimously reported the bill with slight amendments, which we agreed to.

The California delegation, composed of Senators and Members of the House, met in conference upon the bill and agreed upon it. They informed me that there was no objection to this bill, because it relates to over 500,000 acres of land in California, where the people have been in doubt as to their titles from two to twenty-five years. The State is losing in taxes by virtue of the nonsettlement of the matter. It has gone to the Attorney General of the United States, to the Secretary of the Interior, and the legal officers, both Mr. Clemens and Mr. Cobb. It has gone before the attorney general of the State of California and the surveyor general, and they were on here for at least six weeks in regard to it. This matter was gone into by the Department of the Interior, the State surveyor general, and the attorney general of California last year; the governor of the State of California made it a part of the call for the special extra session of the legislature, which unanimously passed the legislation and asked that it be carried out by Congress.

Now if there is any reason for it, and I ask the gentleman to state what his reason is, if the delegation from California, both Senators and Members of the House and Members of the West are in favor of it, there can be no damage done to anybody. It is necessary for the State of California to settle the land titles and should become a law. It is for the interest of the State, and it seems to me there ought to be some valid reason why such necessary legislation should not be enacted. The entire State is interested in the matter. Over 500,000 acres of land, as I have stated, is affected by the legislation. No title can be had until legislation is provided by Congress, as the attorney general for the State of California says, and also the surveyor general, by this appropriate legislation. I have been persistent in the matter. I have given every consideration to it that could be given, and I have hoped and asked the gentleman to withdraw his objection, and that the bill might be passed, the Senate Committee on Public Lands having gone into it, the House Committee on the Public Lands having gone into it, and a thorough investigation having been made, it ought to be permitted to be heard by the House. It is only giving us an opportunity to straighten the title, to clear up a condition that has been in existence for 30 years, and is now acute. I feel, in justice to myself and in justice to the gentleman's objection to the bill, that I ought to explain this to the House, and I believe if the gentleman understood the features of the bill, the reason for it and the matters that have been heard, he would offer no objection to the bill being considered by the House at the present time.

Mr. MANN. Mr. Speaker, if I did not understand the bill I should not have objected.

COMPILATION OF REVOLUTIONARY WAR RECORDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 271) to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War, including all troops acting under State authority, and the Secretary of the Navy is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered naval records of the Revolutionary War.

SEC. 2. That all such records in the possession or custody of any official of the United States shall be transferred, the military records to the War Department and the naval records to the Navy Department.

SEC. 3. That there is hereby appropriated for the purposes of this act, out of any money in the Treasury not otherwise appropriated, $50,000 for the War Department and $10,000 for the Navy Department: *Provided further*, That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. PAGE. Mr. Speaker, I hope that the gentleman will merely reserve the right and not object. The matter of gathering these records of the Revolutionary War has, in the judgment of a great many people and my own judgment, been too long delayed. There has been legislation previous to this time upon the subject, but not the sufficient authority to enable the work to be done. Scattered through the original 13 States, the most of them in State departments and historical societies and other places, are a great many records of our first war. It seems to me that they ought to be gathered together and placed as a matter of record in the department here. This bill has passed the Senate, passed the Committee on Military Affairs of the House, has the approval of patriotic organizations of the country who are interested in the preservation of these records. The Congress has authorized the gathering of records of practically every other war in which our people have been engaged. They have been gathered, and it seems to me that this bill ought to pass, and I hope that the gentleman will not object to its consideration.

Mr. MANN. I will say to the gentleman that I am very heartily in favor of gathering together the military and naval records of the Revolutionary War. This bill provides for that and then appropriates a certain sum of money out of the Treasury. Does the gentleman anticipate that the money herein appropriated is sufficient to do the work required, or is this only a preliminary appropriation with no limit of cost?

Mr. PAGE. The gentleman confesses that he has no opinion upon that subject but is taking the action of the committee which investigated the matter and that of the department. I believe the department made no recommendation as to the amount of the appropriation, but I am sure I am expressing the opinion——

Mr. MANN. Then I can give the gentleman a little information upon the subject. The original bill carried $10,000, and the bill as reported carries only $7,000 for this work in the Navy Department. The Secretary of the Navy stated:

It is estimated that for selection, copying, compiling, and preparing the two volumes for the printer the cost would be $20,000, with an additional $10,000 for printing the first 1,000 of the two.

That is $20,000 for preparation.

Mr. HAY. I would like to call the gentleman's attention to the fact that this bill does not propose to compile anything for the purpose of being printed, but it proposes to collect this material and place the material in this department. I will state to the gentleman that those interested in the bill who appeared before the committee stated that the sum which the House committee recommended to be appropriated would be sufficient; but if it is not sufficient I submit to the gentleman that it would be sufficient for a year or two.

Mr. MANN. Now, I will submit to the gentleman this proposition and see if he will not agree to it: In the first place, the

departments have both estimated that it will cost more to do this work than the amount appropriated, even if they do not buy any of these records.

Mr. HAY. There is no authority given them to buy.

Mr. MANN. Oh, but there is. The authority to collect records is authority to buy them. The bill provides:

The Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War.

Now, if you will put a limitation of cost in, so that the Secretary will not purchase the records which somebody wants to sell——

Mr. PAGE. The last proviso of the bill says:

That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.

Mr. MANN. Well, there may be some other places.

Mr. HAY. I do not know where they could be.

Mr. PAGE. Could the gentleman suggest some other place?

Mr. MANN. Yes. There are plenty of other places besides the hands of private owners and public depositories. They might belong to a municipality or to a State. That would not necessarily be in a public depository.

Mr. PAGE. Does not the gentleman think that if they belong to the States the States would very gladly cooperate with the National Government, without selling them, or without cost?

Mr. MANN. I do not know whether they would or not. It seems to me there ought to be some limitation of cost inserted here.

Mr. HAY. What limitation of cost would the gentleman suggest?

Mr. PAGE. I have no objection, if the gentleman favoring the proposition will mention a sum which he thinks will cover the cost.

Mr. HAY. The House committee reduced the appropriation, as the gentleman sees.

Mr. MANN. Well, I see, and thereby I was led to believe that this was not intended as a limitation upon the cost.

Mr. HAY. Well, I think so. The gentlemen who appeared before us were gentlemen belonging, one of them, to the Society of the Cincinnati, and others to other patriotic societies; and we gathered from them that the amount recommended to be appropriated by the House committee would be sufficient. But if the gentleman thinks that it is necessary to put a limitation upon it, and to make that limitation the sum carried in the bill, I shall be very glad to accept it.

Mr. McCALL. Mr. Speaker, I trust the gentleman will accept the suggestion of the gentleman from Virginia. These records are scattered, and a good many of them are liable to perish. Of course, the gentleman recognizes the fact that the object of this bill is to preserve those records. Now, to protect us against extravagance, it might be well to impose a limitation, but I trust the gentleman from Illinois [Mr. MANN] will not object to the bill.

Mr. MANN. Oh, I have stated that I was very heartily in favor of the proposition in the bill. The gentleman from Massachusetts and myself and various others have been around here long enough to know that when you are dealing with somebody with an unlimited appropriation you do not always meet with that same kind of feeling that you do when there is a limitation upon the expenditure.

Mr. PAGE. We are waiting upon the gentleman from Illinois [Mr. MANN] for a suggestion as to the limitation.

Mr. MANN. I suggest that these words be inserted on page 1, line 4, after the word "publication": "within the limits of the appropriation herein provided."

Mr. PAGE. That is acceptable, so far as I am concerned.

Mr. CANNON. After all is said and done, why not strike out all the appropriation and be content, if the act must pass, with perfecting the act, and let the appropriations for this purpose be made as they are for other branches of the public service?

Mr. MANN. That would be no limitation upon the amount that could be expended.

Mr. CANNON. Well, I am not much in favor of the bill. I recollect very well—to show how these ancient records that our fathers did not gather together are preserved—it is, I believe, 121 years ago, is it not, that the records of the First Census were gathered?

Mr. PAGE. Yes; but the gentleman will recollect that these records are already gathered. This is not intended to gather records. It is to get records that are already in the hands of certain people.

Mr. CANNON. Very well. I want to call the gentleman's attention to the fact that records are accumulating very fast. Many years ago the Committee on Appropriations reported a provision to destroy, as old junk, the census returns, the returns of the First Census, and, perhaps, some other returns—all the papers connected with those returns. People rose up all over the country against it. We found out, upon inquiry, according to my recollection, that from fifteen to twenty thousand dollars had to be paid as rent for the building in which these records were stored, and we found a salary roll of from $12,000 to $15,000, if my recollection serves me, required to take care of those returns. But there was a unanimous or a very well concerted effort that defeated that legislation. When we came to get the remonstrances against it, they seemed to arise principally from the great desire of people to trace descent from those people who lived when the First Census was taken.

Those returns are there yet and are still increasing. Unless the legislation has escaped my attention, every paper of every kind of the 90,000,000 of people in the United States—all the returns—are all to be kept, so that it is the greatest lot of old junk, so far as the census is concerned, that serves no useful purpose in the world. I do not know—I have great respect for those who want to trace their descent from the people who served in the Revolution; but, after all, what other object is there in this?

Mr. MANN. I am sure my colleague does not want to resist the blandishments of the Daughters of the Revolution. [Laughter.]

Mr. CANNON. Oh, the Daughters of the Revolution are well established, but this is an effort——

Mr. MANN. They will be better established when these records are gathered.

Mr. CANNON. This is an effort to make more Daughters of the Revolution. [Laughter.]

Mr. SLAYDEN. The gentleman does not want to discourage that? [Laughter.]

Mr. PAGE. This is not to encourage an effort to trace descent. It is an effort to put on record, for the benefit of this generation and succeeding generations, the patriotic services of our forefathers contained in records which are now in such a condition that you can not trace them.

Mr. CANNON. How about the War of 1812? How about the Indian wars, and so on, and so on? I want to suggest only one thing for the consideration of the gentleman. Do not the pension rolls show fairly well the names of those who served in the Revolutionary War?

Mr. PAGE. Well, if the gentleman will allow me, I may say that they are by no means complete, for the reason that their patriotism, possibly, ran naturally higher in our early history than in recent years, and a great many of the men who then served their country eminently never succeeded in getting on the pension roll.

Mr. CANNON. I understand that quite well, and I had occasion at one time to examine into that matter; and the legislation of Congress shows that there was more of opposition, from the legislative standpoint, to pensions for the soldiers of the Revolution than there has been since, and on more than one occasion the pension laws that were passed were repealed; so that, after all, the gentleman is only measurably correct. I commend to the gentleman the history, and he can get it by calling on the Commissioner of Pensions.

Now, if the gentleman from North Carolina [Mr. PAGE] will allow me, I think I ought to insist on this bill being matured and on striking out the appropriation, and let Congress from time to time determine what the size of the divisions is to be in the Navy Department and in the War Department.

Mr. PAGE. If the gentleman will allow me, since we have agreed to accept the limitation suggested by the gentleman's colleague [Mr. MANN], if it is the Treasury that the gentleman is now guarding, I think if he will allow the bill to pass, carrying this appropriation without limitation, it will require very much less money to accomplish this purpose than it will to carry out the purpose that he has suggested. I hope he will not do that.

Mr. MANN. There should be no further appropriation.

Mr. CANNON. Oh, a further appropriation would be in order.

Mr. PAGE. Not for this purpose, under the amendment suggested by the gentleman from Illinois [Mr. MANN].

Mr. FITZGERALD. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. FITZGERALD. Does the gentleman remember that some years ago the State Department had some scheme similar to this before the Committee on Appropriations?

Mr. CANNON. It seems to me I have a dim recollection, but I do not recollect particularly about it.

Mr. FITZGERALD. I think for the present I shall object until we have some estimate of the probable cost of the clerical force for this work.

Mr. HAY. In the nature of things there could not be any such estimate, could there?

Mr. FITZGERALD. For the last 15 years we have been appropriating for the force engaged in the collection of the naval records of the Civil War, which appropriation is carried on the legislative bill. We specifically appropriate for the services of the persons employed. During a period of 20 years Congress provided for the collection of the military records of the Civil War; and before we undertake this work, not only should there be some accurate and definite information as to the extent of it and how long it will take, but, in my opinion, the legislation should be so guarded that the departments will not use this money to pay unnecessary compensation.

Mr. MANN. Does not the gentleman think that if we put in the limitation which was suggested here, so that the first part of the bill would read:

That within the limits of the appropriation herein made the Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War—

And so forth, that would be a sufficient limitation?

Mr. FITZGERALD. There is no certainty that it could be accomplished, and it would be useless to authorize work to be done within a certain sum unless there was some possibility of it being done. I have very grave doubt—and I think every gentleman here has grave doubt—that $7,000 will be sufficient to enable the Navy Department to collect the naval records of the War of the Revolution and put them in shape for publication.

Mr. HAY. Does the gentleman know the character of the work to be done under this bill? Has the gentleman examined the subject, and does he know what sort of records are to be collected?

Mr. FITZGERALD. The information I have on the subject is gathered very largely from the committee report on the bill.

Mr. HAY. If the gentleman has read the report on this bill, he knows that these records are scattered over the entire country.

Mr. FITZGERALD. I understand that.

Mr. HAY. They are not like the records of the Civil War, which were all here, or brought here from where they were and copied here. These are in the different States, scattered throughout the whole country, and it is impossible——

Mr. FITZGERALD. I think it would be much more expensive on that account.

Mr. HAY. Certainly it would be more expensive, and therefore it is impossible to make an estimate with regard to the expense.

Mr. FITZGERALD. If it be necessary to send persons throughout the 13 original States, and to other places where there are records in public libraries and private collections, for the purpose of collating and copying them, the extent of the work, in my opinion, will be such that I doubt the advisability of authorizing it at this time.

Mr. HAY. Perhaps we can find some other way.

Mr. FITZGERALD. It should be deferred, and for the present I object.

The SPEAKER. The gentleman from New York objects.

GLACIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1679) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within Glacier National Park, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Montana, approved February 17, 1911, ceding to the United States exclusive jurisdiction over the territory embraced within the Glacier National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the said State the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Montana.

SEC. 2. That said park shall constitute a part of the United States judicial district of Montana, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Glacier National Park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States or by any regulation of the Secretary of the Interior, the offender shall be subject to the same punishment as the laws of the State of Montana in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Montana shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the act of May 11, 1910 (36 Stats., p. 354), natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, receiving for transportation any of said animals, birds, or fish so killed, caught, or taken, shall be deemed guilty of a misdemeanor and shall be fined for every such offense not exceeding $300. Any person found guilty of violating any of the provisions of this act, or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the act of May 11, 1910 (36 Stats., p. 354), natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $1,000, or imprisonment not exceeding two years, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That any person who shall, within the said above-mentioned park, commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the act of May 11, 1910 (36 Stat., p. 354), natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $100 and be adjudged to pay all costs of the proceedings.

SEC. 7. That any United States commissioner duly appointed by the United States court for the district of Montana and residing in said district shall have power and jurisdiction to hear and act upon all complaints made of any and all violations of this act or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act. That any such commissioner shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the violation of this act or of the rules and regulations made by the Secretary of the Interior, as aforesaid, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of $100, and to try the person thus charged and, if found guilty, to impose the punishment and adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of any such commissioner to the United States district court for the district of Montana. The said United States district court shall prescribe rules of procedure and practice for said commissioner in the trial of cases and with reference to said appeals.

SEC. 8. That any such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 6 of this act, to hear the evidence introduced, and, if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court for the district of Montana and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 9. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Montana, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government, or any person employed by the United States in the policing of said reservation, within said boundaries, without process, of any person taken in the act of violating the law or this act, or the regulations prescribed by said Secretary as aforesaid.

SEC. 10. That such commissioner and the marshal of the United States and his deputies in the district of Montana shall be paid the same fees and compensation as are now provided by law for like services in said district.

SEC. 11. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 12. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the district of Montana.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I reserve the right to object.

Mr. ROBINSON. Mr. Speaker, I will make a brief statement concerning the bill, and will then yield to the gentleman from Montana [Mr. PRAY] to make a further explanation of its provisions.

The act of May 11, 1910, set aside a large tract of land on the public domain, consisting of about 1,300 square miles in the State of Montana, to be known as the Glacier National Park.

Subsequently the Legislature of the State of Montana passed an act ceding jurisdiction to the United States Government, and this bill is to accept the jurisdiction over the national park so created.

I am in receipt of a letter from the Secretary of the Interior stating that it is very desirable that the bill pass, for the reason that it is necessary in order to protect the park property from depredations that are now being committed there.

The form of the bill was worked out by the subcommittee during my absence, but it is thought that it is well and carefully safeguarded, and some features of it are designed to improve the administrative character of this bill. I now yield to the gentleman from Montana [Mr. PRAY].

Mr. PRAY. Mr. Speaker, I will say, by way of supplementing what has already been stated by the chairman of the Committee on the Public Lands [Mr. ROBINSON], that the Secretary of the Interior is exceedingly anxious to have this bill passed at the earliest possible moment in order that he may have full control of this park and be able to protect the property of the Government and animal life in the park. The season is now open and the Secretary is without adequate authority to act. Although the park was not established until the spring of 1910, over 4,000 people visited there during the season of 1911. It has become one of the most celebrated parks in the world, and thousands of people will view its glaciers and lofty mountains during the present summer. This wonderful region contains over 60 glaciers, 200 mountain lakes, and every kind of fish and game known in that latitude. The bill before the House is based very largely upon the act of May 27, 1894, for the protection of birds and animals in the Yellowstone National Park. It has been carefully examined at the Department of Justice and also by officials at the Interior Department. The Public Lands Committee scrutinized the bill and amended it in some particulars. The amendments proposed by both departments were substantially adopted by the committee.

Mr. MANN. Will the gentleman yield for a question?

Mr. PRAY. Certainly.

Mr. MANN. Has the Secretary of the Interior been over this bill and recommended its passage?

Mr. PRAY. The Secretary has examined the bill and the Attorney General has also examined it, and the recommendations of both departments have been complied with in so far as it seemed practicable to do so.

Mr. RAKER. The gentleman will find that statement on pages 4, 5, and 6 of the report.

Mr. MANN. I have read it. I would like to know whether the Secretary of the Interior or the gentleman from Montana thinks it is permissible to do as is proposed by this bill in section 4—make one penalty for the interference with the protection of property in the park—and then in section 6 make an entirely different penalty for the same act; whether the Interior Department and the gentleman from Montana believe that in the same law you can provide in two different sections different penalties for the same act?

Then I would like to further inquire if, in the opinion of the gentleman, under the Constitution we have the power to provide that a man shall be tried for a felony by the commissioner of the court and sentenced to the penitentiary.

Mr. PRAY. Has the gentleman read the recommendations of the Department of Justice covering these features?

Mr. MANN. I have read the report and I have read the bill.

Mr. PRAY. I do not see anything in the bill providing for two different punishments for the same offense.

Mr. ROBINSON. The offenses referred to in section 4 and in section 6 are of a different character. That in section 6 relates exclusively to damage, injury, spoliation to or upon any building, fence, hedge, gate, guidepost, and so forth.

Mr. MANN. Let us see whether that is the case. I will read from section 4:

> Any person found guilty of violating any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, * * * natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, shall be deemed guilty of a misdemeanor—

And so forth. Then, in section 6, it is provided:

> That any person who shall, within the said above-mentioned park, commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, * * * natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and upon conviction—

Both precisely leveled against the same act relating to natural curiosities, and that is what the park consists mainly of. In one place one penalty; in another place another penalty for precisely the same act. I do not know; it may be that you can do that under the Constitution. With my limited knowledge of the Constitution, I had supposed you could not punish a man twice for the same offense.

Mr. PRAY. Even admitting that the contention of the gentleman is correct, it would be a very simple matter to strike out the penalty in one section and refer to the other. I do not think the sections are the same by any means, except perhaps in a few minor respects. They relate to many different subjects. If the House should agree with the gentleman, the change can be easily made.

Mr. MANN. I can explain very easily how it came about. The bill is made up of sections taken from the Yellowstone act and sections from the Hot Springs act. Both these acts attempt to cover the offenses described, so the gentleman, in order to make assurance doubly sure, included the section covering the Hot Springs act and then put in the same section of the Yellowstone act.

Mr. PRAY. It is based on the two acts, and it was reviewed by both departments after it was introduced. I think if the gentleman should try to put both sections together that he would have to take nearly everything now contained in the two sections in order properly to cover the ground. Of course there is no opportunity to make a fair comparison of the two sections, while the right to object is reserved. If no objection is made to the consideration of the bill, both sections can be examined, and if it is the judgment of the House that two different penalties are prescribed for the same offense, it will be a very simple matter to strike out one and retain the other. If any penalty in the bill does not meet with approval of Members, it can be modified. The Yellowstone Park and Hot Springs laws have been on the statute books for many years, and I have heard no complaints about them. This bill is based upon those acts, and follows the recommendations of both departments of the Government.

Mr. MANN. It would be like two special acts to protect one place. One is punished here with one offense and another there with another offense, and you combine them in one bill and attempt to make two offenses in the same act.

Mr. SISSON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SISSON. I want to ask the gentleman from Illinois this question: On page 7 it authorizes the commissioner to try certain cases. Is there any provision here that the offender shall be tried by a jury?

Mr. MANN. Not at all. This bill and the Yellowstone act authorizes the commissioner to declare a man guilty of a felony and put him in the penitentiary. I do not know that anybody has ever done it, and I do not know that anybody would go to the penitentiary. Of course, it is plainly outside of the power of Congress to enact any such legislation.

Mr. ROBINSON. Mr. Speaker, referring to section 4, the Secretary is empowered to make rules and regulations for the proper control of the park and prescribe penalties for violations. Section 6 makes it unlawful to commit the trespasses and acts referred to there, and I still suggest that a careful reading of the sections discloses the fact that the two sections seek to accomplish different purposes.

Mr. MANN. Take a practical case. Suppose a man goes into the park, takes his ax, and commits waste against one of the natural curiosities. He can be punished under section 4, can he not?

Mr. ROBINSON. I am not sure whether he can or not.

Mr. MANN. It says that he can.

Mr. ROBINSON. Section 4 relates to the rules and regulations. It is doubtful whether you can make a crime of the violation of a rule or regulation of the Secretary of the Interior, but section 6 makes the act itself unlawful, and it is unquestionably true that you can punish for that violation.

Mr. MANN. Section 4 relates to the violation of the regulations and also to violating any of the provisions of this act. You put one penalty in one place for the violation of the provisions of this act, and you took it out of the Hot Springs act; and then you go over and fix another penalty in another place because you took it out of the Yellowstone act. Does the gentleman from Arkansas believe that if a man commits an act which is a violation of the provisions of the act and also a violation of the regulations of the Secretary of the Interior that he can be punished twice for that one act?

Mr. ROBINSON. No.

Mr. CARLIN. You could if it was not the same offense.

Mr. MANN. You might if it was two different jurisdictions.

Mr. ROBINSON. You may give the Secretary of the Interior the power to make rules and regulations for the control of the park or the property. You may not give to the Secretary the power to make regulations to punish citizens for violation of the regulations. You can make the act itself a violation of the law, as it is done in section 6, and perhaps you can thus catch him "going and coming."

Mr. MANN. Under section 4 you can put a man in the penitentiary for two years for violating the regulations, and under section 6 you can imprison him for one year for violating the law under your contention. Which is the worst? It may be that you can take him both ways.

Mr. ROBINSON. Mr. Speaker, the offense under section 4 is defined as a misdemeanor. It may be true that the punishment is disproportionate to the character of the offense, but still I submit to the gentleman from Illinois that that is no valid objection to the consideration of the bill.

Mr. MANN. I am not going to object to the consideration of the bill or its passage. I asked preliminarily whether the Secretary of the Interior or the Interior Department had approved this bill, and whether the gentleman had, because it violates the Constitution in a number of different particulars.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, did the chairman of the committee, when drafting this bill, consider the proposition of vesting the commissioner with the power of trying a man without a jury?

Mr. ROBINSON. Yes. That is done in all cases of that sort. An appeal is provided to the district court of the district in which the park is situated. That question has been gone through with in relation to the Hot Springs Reservation and the Yellowstone National Park, and I want to suggest to the gentleman that it is not desirable that trial by jury be had in the first instance in these cases of misdemeanor, so long as the right of trial by jury is preserved on appeal. It will gravely interfere with the administrative features of the bill to require a trial by jury before the commissioner.

Mr. SISSON. Would it not be infinitely better to invest the commissioner with the right to bind the man over rather than to give him the right to try the man, and thus have the man twice placed in jeopardy, once before the commissioner and then again before another judge and jury?

Mr. ROBINSON. No; I do not think it would be better.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. SISSON. I object.

The SPEAKER. The gentleman from Mississippi objects, and the bill will be stricken from the Calendar for Unanimous Consent.

HISTORICAL PAGEANT, PHILADELPHIA, PA.

The next business on the Calendar for Unanimous Consent was House joint resolution 333, to authorize the loan of obsolete Springfield rifles, etc., to the historical pageant committee, Philadelphia, Pa.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan to the historical pageant committee of Philadelphia, Pa., for use in the ceremonies pertaining to the celebration of the one hundred and twenty-fifth anniversary of the framing of the Constitution of the United States, not to exceed 2,000 obsolete Springfield rifles, caliber .45, and such number of obsolete swords or sabers as may be desired and are on hand and available: *Provided*, That prior to the issue of these articles the committee shall execute a good and sufficient bond in such sum as may be fixed by the Secretary of War, guaranteeing the safe return of the articles to the Government arsenal from which originally issued, and guaranteeing the payment of the value of all articles not returned and the cost of repairs, if any be required, to such articles as may be damaged: *Provided further*, That this issue shall be made without any expense to the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the resolution was passed was laid on the table.

PUBLIC BUILDING, OLYMPIA, WASH.

The next business on the Calendar for Unanimous Consent was the bill (S. 6283) increasing the cost of erecting a public building at Olympia, Wash.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost heretofore fixed for the erection of a public building at Olympia, Wash., be, and the same is hereby, increased to $150,000.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, the original estimate was $92,700, it seems. Who has charge of the bill?

Mr. WARBURTON. Mr. Speaker, I presume I have charge of it. It is in my district, although it is not my bill. I know this, that there have been three unsuccessful attempts to let a contract for the construction of a building at Olympia, which is the State capital, and they have been unable to secure a bid that would enable them to construct a fireproof building. Nevertheless the contract was let to construct a building of ordinary stone construction, and not fireproof. The department is anxious that the building be fireproof. It is utterly impossible to construct it unless this appropriation is made. The contract has been let, and I understand the work has been begun on the basement of the building.

Mr. SISSON. The original bill provided for $30,000, did it not?

Mr. WARBURTON. One hundred and twenty thousand dollars, and this proposes to increase the amount $30,000.

Mr. SISSON. The original estimate was $110,000?

Mr. WARBURTON. I think that included the ground. I think the amount available was $100,000.

Mr. SISSON. And they are asking, then, for $50,000 more?

Mr. WARBURTON. No.

Mr. SISSON. The report shows that only $30,000 more is needed.

Mr. WARBURTON. The contract is let for $92,700. The balance of it, I presume, was taken in the purchase of the land. That is all that is available, and in order to make it fireproof and complete it, they will have to have $30,000 more, they tell me, which will make the building cost $122,000.

Mr. FITZGERALD. What excuse is given for letting a contract for a building that is inadequate for the public service?

Mr. WARBURTON. It will not be inadequate for the public service, but it will be an ordinary construction of stone and timber.

Mr. FITZGERALD. How large a place is Olympia?

Mr. WARBURTON. It is the capital of the State of Washington, and has between eight and ten thousand people.

Mr. FITZGERALD. And they are not able to construct an adequate building there for $100,000?

Mr. WARBURTON. I have been before the architects myself, and there have been three unsuccessful attempts to get bids to construct the building.

Mr. SISSON. And the population of the place is from eight to ten thousand?

Mr. WARBURTON. Yes.

Mr. SISSON. And $150,000 is wanted for a public building in a town of that size?

Mr. WARBURTON. It is the capital of the State.

Mr. SISSON. Even if it is the capital of the State, why should they get $150,000 for a public building for a place of 10,000 people?

Mr. WARBURTON. The post office evidently is not planned for anything larger than the needs of the city.

Mr. SULZER. Mr. Speaker, the gentleman from Mississippi is in error when he says the total amount required for this building is $150,000. As I understand it, the amount will be $132,000.

Mr. SISSON. That is my understanding; but the bill provides $150,000.

Mr. SULZER. Then the bill is wrong.

Mr. SISSON. There are $92,700, and that would make $132,000. I think fifty or sixty thousand dollars would be ample to construct a building in a town of that kind.

Mr. WARBURTON. The contract is already let, and the building will be constructed, but it will not be fireproof. It ought to be fireproof.

Mr. SISSON. Mr. Speaker, I shall have to object.

The SPEAKER. The gentleman from Mississippi objects, and the bill will be stricken from the Calendar for Unanimous Consent.

Mr. SULZER. I suggest to my friend to let this bill go over until Mr. CLARK of Florida can be here. It is his bill.

The SPEAKER. The gentleman from Missouri has exercised his right to object, and the Clerk will report the next bill.

FOURTH INTERNATIONAL CONGRESS ON SCHOOL HYGIENE.

The next business on the Calendar for Unanimous Consent was H. J. Res. 327, requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene.

The bill was read.

Mr. FOSTER. Mr. Speaker, reserving the right to object——

Mr. MANN. Reserving the right to object—I defer to my distinguished colleague on medical matters.

Mr. FOSTER. I want to call attention to this voluminous and enlightening report.

Mr. MANN. That attracted my attention, I will say to the gentleman.

Mr. FOSTER. And I want to congratulate the committee or whoever wrote this report on the information that it gives to the House, so that the Members might act intelligently on the bill. I think in view of this we ought to have possibly some information which inadvertently was left out, and that is in regard to the amount that would be expected should be appropriated and some little history of this organization that is to meet here at the time mentioned.

Mr. SULZER. Mr. Speaker, this bill was introduced by the gentleman from New York [Mr. DANIEL A. DRISCOLL] and reported without objection from the Committee on Foreign Affairs. It carries no appropriation. Mr. DRISCOLL informed the committee that no appropriation would be necessary, and that no appropriation will be asked for either now or in the future, and on that representation the committee reported the bill. The bill simply directs the President to request the Secretary of State to invite the people who are interested in school hygiene to participate in this assemblage. These assemblages regarding school hygiene have been held for a number of years in different places, and it is a very important matter, not only to the children, but to our school system, and of vital importance to the people of our country.

Mr. MANN. Will the gentleman yield for a question?

Mr. SULZER. Certainly.

Mr. MANN. Is the gentleman aware that under the provision inserted in the recent District of Columbia appropriation law if we should issue these invitations to foreign Governments to participate in this Congress they might come, but that our own Government and its officials could not participate in that Congress?

Mr. SULZER. I am not aware of it.

Mr. FOSTER. They might go and pay their own expenses.

Mr. MANN. Why, the gentleman, my colleague, just introduced a resolution to permit the officials of the Government to participate in a congress of hygiene and demography, because it was claimed by Government officials that under the recent District of Columbia appropriation law they were not authorized now to accept and participate in these expositions.

Mr. SULZER. This is an entirely different matter——

Mr. MANN. That is precisely the same question.

Mr. SULZER. This has nothing to do with the Government making an exhibition——

Mr. MANN. The gentleman is mistaken.

Mr. SULZER (continuing). This assemblage will meet and discuss things about school children and good for the schools from a sanitary and hygienic point of view. The resolution should pass.

Mr. MANN. I suppose we would not want to issue invitations to have foreign nations come to an international congress here where the United States Government was not represented, where nobody could participate in it, for the reason that the resolution in that respect does not meet the present exigency, probably because the author of it, like most others, is not familiar with this little item inserted in the District appropriation bill. I am going to object when the time comes.

Mr. DANIEL A. DRISCOLL. I would like to state the citizens of Buffalo, by public subscription, will care for the people invited to this congress.

Mr. MANN. Well, I should doubt that. I do not doubt the gentleman believes it and the citizens state it, but I have heard that statement a great many times. There is no provision in the legislation upon that subject. I believe when we invite foreign Governments to participate in an international exposition or anything of the kind held within our boundaries we ought to be courteous enough to spend a little money to be properly represented there ourselves; but under existing law we should not be represented.

Mr. DANIEL A. DRISCOLL. I would like to ask the gentleman from Illinois, providing this amendment was passed, would he object, provided that no appropriation shall be granted at any time hereafter in connection with said congress?

Mr. MANN. Well, I will say to the gentleman frankly, I am not in favor of inviting foreign Governments to an international exposition or a meeting of any kind without our Government can be represented.

Mr. DANIEL A. DRISCOLL. Would the gentleman be opposed to an appropriation to care for our representatives?

Mr. MANN. Well, probably not, but I do not desire to put myself on record for that. I never make promises in advance.

Mr. DANIEL A. DRISCOLL. I thank you.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I will have to object unless the gentleman asks that it go over so as to permit them to properly prepare the resolution.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I ask unanimous consent that the joint resolution be passed for the present without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 19544.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, what is the bill?

Mr. SABATH. The Kindred bill.

Mr. RODDENBERY. The immigration bill?

Mr. SABATH. Well, it is not an immigration bill, although it comes from the Immigration Committee.

Mr. RODDENBERY. This is a bill which was objected to by Mr. BARTHOLDT, of Missouri?

Mr. SABATH. Some one objected.

Mr. RODDENBERY. To prohibit insane aliens from being received in New York, except under restrictions?

Mr. SABATH. Amending that act, yes, which prohibits the bringing in of the insane.

Mr. RODDENBERY. I am very indisposed, Mr. Speaker, to object to the gentleman's request, but inasmuch as the House declined to permit debate on it and the extension of remarks by other gentlemen on the same subject were objected to, I must object.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] objects.

Mr. SISSON. Mr. Speaker, I ask to insert in the RECORD the following article by J. B. Barnhill, editor of the American Anti-Socialist, of Washington, D. C.:

With his usual adroitness, Hon. VICTOR L. BERGER, the Socialist member of the House of Representatives, in his recent speech in the House on socialism carefully avoided the fundamental principles of that doctrine.

I desire to direct the attention of the public to the fact that socialism seeks to destroy three things—private enterprise, private profits, and private property—and when you destroy these three you destroy competition.

Socialism seeks to convert private enterprise into community enterprise, private profits into community profits, and private property into community property. This is the fundamental teaching of socialism, and if Mr. BERGER really believes in the doctrine of socialism why did he not in some part of his speech, which we are told he intends to circulate by the million during the coming campaign, discuss the fundamental principles upon which socialism is founded?

The universal experience of mankind is that private enterprise, private profits, and private property are the indispensable bases of an advancing civilization; but socialism condemns these three factors of progress.

On numerous other occasions Mr. BERGER has pronounced sentence of death upon the principle of competition. It appears to be an irreparable calamity that Mr. BERGER was not present at the creation, for he could probably have saved the Creator from the mistake of building the world on a competitive plan. "Competition is dead," says Dr. BERGER. Something contradicts thee—I am afraid it is nature.

Individual profit is a thing which socialism will not countenance. Yet it is the desire for profits, the hope of this reward, which awakens all private and commercial enterprise. It is certain that if you take away the hope of individual reward for individual exertion you will destroy individual exertion. In other words, profit is the mainspring of all industrial activity.

Lastly socialism attacks private property. Here it arrays against itself all the strongest and tenderest affections of the human heart. Such a plan would destroy the home, which is the unit of government. The prophet and patriot alike unite in saying that the noblest dream of man is of a time when each may sit "under his own vine and his own fig tree and none durst make him afraid."

Arthur Young was well inspired when he said: "Give a man the secure possession of a rock and he will turn it into a garden." But Young did not tell the whole truth. All experience proves that the surest way to turn a garden into a desert is to make possession insecure, to substitute community interest for private interest, community property for private property, community profits for private profits, community enterprise for private enterprise.

Socialism has over and over again taken some of the finest garden spots in the world and turned them into deserts. Ruskin Colony in Tennessee, New Australia in Paraguay, Topolobampo, and a score of other such pathetic failures will occur to every student of this subject.

But the greatest and most instructive of such failures was at New Harmony, Ind. Here Robert Owen, father of ex-Congressman Robert Dale Owen, sank a princely fortune amounting to an annual income of $200,000 in a vain effort to supplant the competitive system with the "cooperative commonwealth." Dying penniless he left a priceless legacy in the record of that great social experiment at New Harmony, which teaches us that the doctrine that you can found a society where competition does not exist is a delusion, and that the effort to realize such a society must necessarily result in failure.

Individualism makes the desert blossom as the rose. Socialism would turn every garden into a desert.

Hon. A. J. Balfour, late Prime Minister of England, recently said:

"I say that a community based upon the perfectly impossible scheme proposed by the socialists—the scheme, I mean, which substitutes, for the individual enterprise, energy and self-sacrifice, which are the very

roots of industrial prosperity, the bureaucratic arrangement of every man's life and every man's industry and every man's earnings—I say that that ideal is one which not only will bring disaster upon the existing generation, but which will absolutely ruin, as I think, the whole future of the community.

* * * * * * *

"It is upon the productive capacity, the inventiveness, the enterprise, the knowledge, the readiness to run risks, and to bear the result of risks when they go wrong; it is on this that a great community depends, and on this alone for the wealth it can use."

Mr. AKIN of New York. Mr. Speaker, I make a request for unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York [Mr. AKIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the same request.

Mr. BURLESON. And, Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] makes the same request. Is there objection?

Mr. FOSTER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] makes the same request.

Mr. SULZER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from New York [Mr. SULZER] makes the same request.

Mr. RAINEY. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] makes the same request.

Mr. CANNON. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] makes the same request.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the same request.

Mr. HARRISON of New York. Mr. Speaker, I make the same request.

Mr. WARBURTON. I make the same request, Mr. Speaker.

Mr. EVANS. Mr. Speaker, I make the same request.

Mr. HAWLEY. Mr. Speaker, I make the same request.

Mr. PRAY. Mr. Speaker, I make the same request.

Mr. SIMMONS. I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. SIMMONS] makes the same request.

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from California [Mr. RAKER] makes the same request.

Mr. TALCOTT of New York. And I, too, Mr. Speaker, make the same request.

The SPEAKER. The gentleman from New York [Mr. TALCOTT] makes the same request. All these gentlemen—Mr. AKIN of New York, Mr. MANN, Mr. BURLESON, Mr. FOSTER, Mr. SULZER, Mr. RAINEY, Mr. CANNON, Mr. MOORE of Pennsylvania, Mr. HARRISON of New York, Mr. WARBURTON, Mr. EVANS, Mr. HAWLEY, Mr. PRAY, Mr. SIMMONS, Mr. RAKER, and Mr. TALCOTT—ask unanimous consent to extend their remarks in the RECORD. Is there objection?

Mr. ADAMSON. I ask unanimous consent, Mr. Speaker, to let everybody speak.

Mr. MANN. After these requests are granted, I shall call for the regular order.

The SPEAKER. Is there objection to the requests?

There was no objection.

Mr. SABATH. Mr. Speaker, I renew my request for unanimous consent along with the other gentlemen.

The SPEAKER. And the gentleman from Illinois [Mr. SABATH] asks unanimous consent to extend his remarks in the RECORD.

Mr. ADAMSON. Mr. Speaker, I think after this large number of gentlemen have been granted permission to extend their remarks in the RECORD that right should be extended to everybody. I think there should be universal amnesty. [Laughter.]

The SPEAKER. Does the gentleman put that request seriously?

Mr. ADAMSON. No. It is a joke, and the Speaker can so label it, if he desires. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH].

There was no objection.

The MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the next bill.

HOMESTEAD ENTRY ON FORMER FORT NIOBRARA MILITARY RESERVATION LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25764) to subject lands of Fort Niobrara Military Reservation and other lands to homestead entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the unreserved lands within the former Fort Niobrara Military Reservation, in the State of Nebraska, and the adjacent public lands on the east and south thereof withdrawn from entry by Executive order June 22, 1904, except as hereinafter expressly provided, shall be subject to homestead entry at such time and in such manner and under such rules and regulations as the Secretary of the Interior may prescribe, as follows: All that portion lying north and west of the Niobrara River, together with that part of the southeast quarter of section 22, the southwest quarter of section 23, the west half of section 26, and all of section 27, in township 34 north, range 27 west, lying south and east of the said Niobrara River, shall be appraised under the direction of the Secretary of the Interior, entered and patented under the general provisions of the homestead laws, subject to the payment of the appraised price to be made in three annual payments as prescribed by the Secretary of the Interior; and all the remaining portion of said lands lying south and east of the said Niobrara River shall be entered and patented under the provisions of the one-section homestead law for a certain part of Nebraska, approved April 28, 1904, and acts amendatory thereof: *Provided*, That lands open to entry under this act shall not be subject to disposition under section 2306 of the Revised Statutes of the United States or other form of scrip or lieu selection, nor shall homestead entries made thereof be subject to commutation.

SEC. 2. That the Secretary of the Interior shall, of such military lands, lease to the State of Nebraska for the term of 20 years, for a reasonable price, the lands it now occupies as a State agricultural experimental station, and shall cause patent to issue to the city of Valentine, upon payment of the appraised price, for such area as it may reasonably need for waterworks, water power, and electric-light plant system, and for a fish hatchery, including the lands it now occupies for such purposes, and shall issue patent to Stephen H. Gilman, upon payment of the appraised price, to not exceed 5 acres adjacent to his milldam, and shall cause patent to issue to Charles H. Cornell, upon payment of the appraised price, not to exceed 68 acres.

SEC. 3. That the Secretary of the Interior is hereby directed to reserve from entry under this act a tract of land, not exceeding 640 acres in area, upon which the buildings used in connection with said military reservation are located, and to sell the lands so reserved and the buildings thereon at public auction at not less than their appraised value within one year from the date of the approval of this act if the Government shall not have appropriated the same to some public purpose: *Provided*, That the disposition of the said military reservation lands shall be subject to rights, if any, acquired by Charles H. Cornell and by the city of Valentine, when a village, by any acts of Congress: *Provided further*, That all lands so opened to settlement under this act, remaining undisposed of at the expiration of three years from the date of its approval, shall be sold and disposed of under rules and regulations to be prescribed by the Secretary of the Interior, not more than 640 acres to any one purchaser.

SEC. 4. That the costs of carrying out the provisions of this act, including the necessary compensation of the custodian, not exceeding $60 per month, may, in the discretion of the Secretary of the Interior, be paid from the appropriations for the expense of the survey, appraisal, and sale of abandoned military reservations.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. MANN. No; I do not object. I have an amendment to offer.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend, page 2, line 24, by striking out the word "lease" and inserting in lieu thereof the words "issue patent."

Mr. CANNON. Mr. Speaker, I would like to ask the gentleman a question. Does this include the whole of the reservation?

Mr. ROBINSON. This provides for the disposition of the reservation.

Mr. CANNON. All of it?

Mr. ROBINSON. Yes.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, line 25, by striking out the words "for the term of 20 years, for a reasonable price."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 1, by inserting at the beginning of the line the word "for."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 2, after the word "station," by inserting the following: "upon payment of $1.25 an acre."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 3, line 23, by striking out at the end of the line the word "and" and inserting in lieu thereof the word "or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Nebraska [Mr. KINKAID] that there may be some doubt whether Mr. Gilman has a middle initial "H" or "F," because line 8, page 3, says "Stephen H. Gilman." Which is it?

Mr. KINKAID of Nebraska. It is "Stephen F."

Mr. MANN. Then, it should be amended on page 3, line 8, so as to make it read that way.

Mr. ROBINSON. Mr. Speaker, I move to amend by striking out "H" in line 8, page 3, and inserting "F", so that it will read "Stephen F. Gilman" instead of "Stephen H. Gilman."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Arkansas [Mr. ROBINSON].

The Clerk read as follows:

Strike out the initial "H" in the name "Stephen H. Gilman" and insert in lieu thereof the initial "F."

The SPEAKER. Without objection, the amendment is agreed to.

There was no objection.

Mr. MANN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk, to be inserted at the end of line 22, page 2.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 2, at the end of line 22, by inserting the following: "*Provided further*, That the Secretary of the Interior is authorized, in his discretion, to reserve from sale or disposition any lands chiefly valuable for power purposes."

Mr. ROBINSON. Mr. Speaker, the committee considered that amendment and decided that it is unnecessary. Under the law that power now exists, and while I do not know of any objection to the amendment, it is merely reenacting existing law. That is the view that the Secretary of the Interior takes of the matter himself. On page 3 of the report is contained a communication addressed to myself, in which the Secretary used this language:

In view of the department, H. R. 25764 would not, if enacted, preclude the withdrawal by the President of the United States, under authority contained in act of Congress approved June 25, 1910 (36 Stat., 847), of such tracts as may be found to be valuable for water-power sites, but if any doubt as to the authority for such withdrawal exists the bill should be amended by adding to section 3 thereof the following—

He then suggests an amendment in the exact language offered by the gentleman from Illinois [Mr. MANN].

Chapter 421 of Statutes at Large, page 847, volume 36, reads as follows:

Be it enacted, etc., That the President may at any time, in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes, to be specified in the orders of withdrawal; and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

The committee did not include the amendment suggested by the gentleman from Illinois, for the reason that it is already the law.

Mr. MANN. Mr. Speaker, there may be and probably is some doubt whether the existing law would permit the Secretary to reserve water-power sites. He believes that he has that authority, but has also stated that he does not feel certain of the matter.

I doubt very much whether under the law the Secretary has that authority, because he has not as yet reserved these water-power sites, and this bill, which would become a subsequent law, expressly provides that all the unreserved lands within the former reservation shall be disposed of in the manner provided in the bill. Being subsequent legislation, it would take effect when it was passed as to all unreserved lands. I do not believe that the Secretary would have the power after the passage of this bill to make any reservations. As the gentleman from Arkansas [Mr. ROBINSON] and other gentlemen contend that the Secretary now has the power, and as some of us believe that he does not now have the power, why can anybody object to a provision being inserted in the bill making it clear that the Secretary has the power of reserving the water-power sites?

Mr. ROBINSON. Mr. Speaker, I have said that as far as I am concerned I do not object, but I do not like to pass needless legislation when I am convinced that it is unnecessary. Hereafter it may be insisted that we intended to repeal some provision of existing law with reference to the power of the President to withdraw power sites, and so forth, for the reason that we did not embrace every provision of existing law concerning withdrawals. But unless the gentleman from Nebraska [Mr. KINKAID] wishes to raise an objection, for my part I shall not object to the amendment, although I do not think the gentleman from Illinois should insist upon it for the reasons stated. I am perfectly willing that the gentleman should make his mark upon this bill if he insists upon doing so.

Mr. MANN. I have stated all the time that I should insist on the amendment.

Mr. KINKAID of Nebraska. I have never had any objection to the amendment. It is a matter for the disposition of the committee. I do not object.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. KINKAID of Nebraska, a motion to reconsider the last vote was laid on the table.

FORT ASSINIBOINE MILITARY RESERVATION, MONT.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent to recur to the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation in the State of Montana. It was passed temporarily. I am informed that the author of the bill (Mr. PRAY) has reluctantly agreed to offer some amendments which will not be objectionable to me. I do object, however, to writing a mere nominal consideration into the bill. I shall insist that there be a consideration; that the Secretary be authorized to sell upon terms that may be fixed by him. I yield to the gentleman from Montana for the purpose of offering his amendments.

Mr. PRAY. Mr. Speaker, in order that this bill may receive consideration, I have reluctantly consented to offer these amendments.

The SPEAKER. The gentleman from Arkansas asks leave to recur to Senate bill 5817. Is there objection?

Mr. MANN. Reserving the right to object, let us hear what the proposition is.

The SPEAKER. The Clerk will report the amendments.

The Clerk read the amendments, as follows:

In line 3, page 1, strike out the word "that" and insert the words "that the Secretary of the Interior be, and he is hereby, authorized to sell."

In lines 5 and 6, page 1, strike out the words "be, and the same are hereby, granted."

In line 6, page 1, after the word "Montana," insert: "at a price to be agreed upon by the Secretary of the Interior and the board of county commissioners of said county."

In line 1, page 2, after the word "after," strike out the words "the passage of this act" and insert the words "such sale has been consummated."

Mr. MANN. I suggest that the Clerk read the bill as proposed to be amended.

Mr. PRAY. I send up the bill with the proposed amendments inserted.

The SPEAKER. The gentleman from Illinois suggests that this bill be read as it will read if these amendments are agreed to.

The Clerk read the bill as proposed to be amended, as follows:

Be it enacted, etc., That the Secretary of the Interior be and he is hereby authorized to sell the jail building and the fixtures of said building now situate on the abandoned Fort Assiniboine Military Reservation, in the State of Montana, to the county of Hill, in the State of Montana, at a price to be agreed upon by the Secretary and the board of county commissioners of said county, and said county, by its duly authorized officials, shall have the right to enter upon the said abandoned Fort Assiniboine Military Reservation at any time after such sale has been consummated and remove said buildings and such fixtures.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas to recur to this bill?

There was no objection.

Mr. ROBINSON. I move the adoption en bloc of the amendments as read by the Clerk.

The SPEAKER. You have not yet obtained unanimous consent to consider the bill. You have simply obtained consent to return to it.

Mr. ROBINSON. Very well.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ROBINSON. Now I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. ROBINSON. I ask unanimous consent, Mr. Speaker, that the amendments be agreed to en bloc.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act authorizing the Secretary of the Interior to sell to the county of Hill, in the State of Montana, the jail building and fixtures now on the abandoned Fort Assinniboine Military Reservation, in the State of Montana."

FOURTH INTERNATIONAL CONGRESS ON SCHOOL HYGIENE.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I ask unanimous consent to return to House joint resolution 327.

Mr. MANN. That has just been objected to, and I shall withdraw my objection if the gentleman offers his amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to return to House joint resolution 327. Is there objection? [After a pause.] The Chair hears none. The gentleman asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There was no objection.

The Clerk read the House joint resolution, as follows:

Joint resolution (H. J. Res. 327) requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene.

Resolved, etc., That the President of the United States is hereby requested to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene, to be held in Buffalo, N. Y., August 25–30, 1913.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Insert at the end of the resolution the following:

"*Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress."

The amendment was agreed to.

The amended joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DANIEL A. DRISCOLL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SUBWAY UNDER POST OFFICE, NEW YORK CITY.

The next business on the Calendar for Unanimous Consent was the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in the name and on behalf of the United States of America, to grant, convey, and release unto the city of New York, in the State of New York, for such consideration, nominal or otherwise, and upon such terms, conditions, provisos, and limitations, if any, as he shall deem proper, such temporary rights and easements and such permanent and perpetual underground rights, easements, and rights of way in, under, through, and across the property of the United States situated in the Borough of Manhattan, in the city of New York, in the county and State of New York, and comprising the block bounded by Broadway, Park Row, and Mail Street, and also comprising part of Mail Street, as he shall deem necessary or proper for the construction and for the maintenance and operation in perpetuity of a two-track underground rapid-transit railroad running under, through, and across said property from Park Place to Beekman Street in said Borough of Manhattan, and also, if he shall deem proper, for the construction and for the maintenance and operation in perpetuity of a one-track spur or connection running under, through, and across said property from a point under Mail Street where a connection can be made with the existing City Hall loop of the so-called Manhattan-Bronx Rapid Transit Railroad to a point under Beekman Street where a connection can be made with the said two-track rapid-transit railroad above mentioned. The tracks of said rapid-transit railroad and of said spur or connection within the limits of said property shall be placed in subway or tunnel. The tracks of said two-track rapid-transit railroad within the limits of said property may either be placed in the same subway or tunnel or there may be a separate subway or tunnel for each track. In case the tracks shall be placed in the same subway or tunnel, such subway or tunnel may have a width of not exceeding 40 feet, outside dimensions; and in case there shall be a separate subway or tunnel for each track, such subways or tunnels shall be substantially parallel with each other and on substantially the same level, and each of said subways or tunnels may have a width of not exceeding 25 feet, outside dimensions, and such subways or tunnels may be placed not more than 20 feet distant from each other. The top of the roof of such subways or tunnels of said two-track rapid-transit railroad within the limits of said property shall be not less than 35 feet below the present established grade of the surface of the street at the intersection of the center line of Broadway with the center line of Park Place extended. The subway or tunnel for the said one-track spur or connection above described within the limits of said property may have a width of not exceeding 25 feet, outside dimensions, and the top of the roof thereof shall be not less than 15 feet below the present established grade of the surface of the street at the intersection of the center line of Broadway with the center line of Park Place extended.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to execute and acknowledge in proper form for record within the State and county of New York, and deliver to the public service commission for the first district of the State of New York, a deed or deeds to said city of New York as authorized in this act.

SEC. 3. That this act shall take effect and be in force immediately.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I want to say that this provides that it shall take effect and be in force immediately. It should have provided immediately, if not sooner. I would like to ask the gentleman in reference to this bill whether the post-office building in New York City is occupied for any other purpose?

Mr. UNDERHILL. It is occupied by the Federal courts.

Mr. SULZER. And the United States marshal and district attorney.

Mr. MANN. Are there any offices in it except the post office, the courts, and the offices attached to the courts?

Mr. UNDERHILL. All the United States offices.

Mr. SULZER. Oh, no.

Mr. MANN. What does the gentleman mean by "all the United States offices"?

Mr. UNDERHILL. The immigration office, and so forth.

Mr. MANN. Customhouse?

Mr. UNDERHILL. No.

Mr. MANN. I wanted to find out what was there.

Mr. SULZER. I can tell the gentleman.

Mr. MANN. I did not ask the gentleman from New York, Mr. SULZER.

Mr. SULZER. I thought the gentleman from Illinois wanted information.

Mr. MANN. That is the reason I asked the other gentleman from New York.

The SPEAKER. Is there objection?

Mr. MANN. I was going to ask the gentleman whether this authority, if granted at all, ought not to be granted on the recommendation of the Postmaster General, whether or not he ought to have the power to determine in reference to the plans if the building is mainly occupied for a post office?

Mr. UNDERHILL. The bill is simply permissive, anyway, and it is placed in the hands of the Secretary of the Treasury.

Mr. MANN. The gentleman thinks it is merely permissive. Would he have any objection to making it clearly so by inserting after the word "authorized" the words "in his discretion"?

Mr. UNDERHILL. I do not think that would make any difference. I think that is fully covered in the text of the bill. It would delay its passage perhaps.

Mr. MANN. If the gentleman will agree to accept that amendment so that it will be within the discretion of the Secretary of the Treasury, I shall not object.

Mr. UNDERHILL. I will accept it.

Mr. MANN. Is that satisfactory to my friend from New York, Mr. SULZER?

Mr. SULZER. This bill was introduced in the Senate by Senator O'GORMAN for the public service commission of New York. It passed the Senate unanimously.

Mr. MANN. That does not add any weight to it.

Mr. SULZER. Just a moment. There is no objection to this bill. The Secretary of the Treasury approves of the bill. The authorities are building a great subway in New York City and it is being held up until this bill can become a law. As a matter of fact, the city of New York gave the Government the property on which the post-office building is located. It is a part of the City Hall Park. The city gave it to the Government for a post office. The Government built the post office on the property a good many years ago, and the deed to the Government provided that when the property is no longer used for a post office it shall go back to the city of New York as a part of the City Hall Park..

Another matter. It is contemplated to build a new post office ere long in New York City, and so this land will soon go back to the city of New York. All the city wants is the permission of the Government to build a subway down 100 feet below the surface of the street, and, of course, there ought to be no objection to it. The work is being delayed and contracts are be-

ing held up until the Government gives its consent. The Government is anxious to have the work proceed, and if we accept the amendment offered by the gentleman from Illinois the bill will have to go back to the Senate, and that may delay it until next year. The compensation that the city is to pay to the Federal Government is merely nominal.

Mr. MANN. This is of great value to the city of New York?

Mr. SULZER. Yes. It is the greatest engineering work that has ever been done in the city.

Mr. MANN. Have they got permission to run under anybody else's property in New York without compensation?

Mr. SULZER. Yes; unless great damage is done.

Mr. MANN. I guess not.

Mr. SULZER. Then the gentleman guesses different from the court of appeals.

Mr. MANN. Is this the only place, under this post office, where they can construct this subway?

Mr. SULZER. Yes. It is the route fixed by law.

Mr. MANN. If this is the only place where they can make the turn they had better enlarge the city. Nobody believes that story.

Mr. SULZER. This work is provided for by the legislature of the State.

Mr. MANN. That is all very true, but the gentleman can not make us believe that in New York City it is absolutely essential to go under one building, which the city does not own and does not control; that it is the only building in the city that the State itself can not control and that they made plans to that effect. If they have they had better get wiser men in charge of the plans.

Mr. SULZER. The work is being done by the city authorities and the public service commission. The legislature provided for it, and the routes are fixed by law and contract and can not now be changed.

Mr. MANN. Oh, I apprehend the routes are not all fixed by law, so that they can not be changed.

Mr. SULZER. Yes; they are.

Mr. MANN. If the gentleman has that information, I would like to see the law, and, pending that, I suggest that the gentleman ask unanimous consent to pass the bill over without prejudice, so that we may have an opportunity to look into the matter.

Mr. UNDERHILL. Mr. Speaker, I shall accept the amendment.

Mr. SULZER. The gentleman from Illinois wants to delay the greatest piece of construction work in the country.

Mr. MANN. Oh, no; the gentleman wants to prevent a holdup.

Mr. SULZER. If the gentleman wants to gratify himself by doing that, very well. I was trying to give the gentleman information about it, but the gentleman knows so much about everything in New York that no one can enlighten him.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent to pass the bill over without prejudice. Is there objection?

There was no objection.

PENSION APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the conference report on the bill H. R. 18985, the pension appropriation bill, and lay the same before the House.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the conference report on the pension appropriation bill and lay it before the House. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1065).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agreed to the same with an amendment as follows: In the matter inserted by the Senate strike out the words "$500,000, or so much thereof as may be necessary, to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, and 12, and agree to the same.

The conferees further report that they are unable to agree as to amendments numbered 2, 3, 4, 5, 9, 10, and 11.

WM. P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The amendments of the Senate, Nos. 1, 6, 7, 8, and 12, to which the House recedes from its disagreements are as follows:

Amendment No. 1 adds $12,500,000 to the appropriation. This amendment was made necessary by the enactment of the law known as the act of May 11, 1912, which became a law after the passage of the bill in the House which increased the amount paid for pensions.

Amendment No. 6 is an amendment striking out the word "hereafter" and inserting in lieu thereof "not later than January 1, 1913," at which time pensions should be paid by check instead of by the present voucher system.

Amendment No. 7 is an exception made in the matter of payment by check in cases where pensions are paid to persons other than the pensioners, and is upon the recommendation of the Secretary of the Interior.

Amendment No. 8 provides for the conduct of postmasters and post-office employees in the matter of delivering pension checks going through their hands and which are to be sent in advertised envelopes. It is practically the same provision as was contained in the bill as it was reported to the House but which was stricken out on the floor of the House on a point of order.

Amendment No. 12 is simply changing the number of a section from 6 to 5.

Amendments Nos. 2, 3, 4, 5, 9, 10, and 11, on which the conferees have been unable to agree, are amendments inserted by the Senate restoring to the bill a provision for the continuance of the 18 agencies and rent of the New York agency, as provided for in existing law.

WM. P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House recede from its disagreement to amendment of the Senate numbered 2 and agree to the same with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Omit the matter inserted by said amendment and in lieu of the paragraph stricken out insert the following:

"For salaries of 18 agents for the payment of pensions at the rate of $4,000 per annum each during the first half of the fiscal year 1913, $36,000.

"For salary of one agent for the payment of pensions, at the rate of $4,000 per annum, for the last half of the fiscal year 1913, $2,000; and from and after the 31st day of December, 1912, there shall be only one agent for the payment of pensions, to be appointed in the manner now provided by law, and who shall receive a salary at the rate of $4,000 per annum; and section 4780 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions is repealed, to take effect from and after December 31, 1912."

The SPEAKER. The question is on the motion of the gentleman from New York to recede from Senate amendment No. 2 with an amendment which the Clerk has reported.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House recede from its disagreement to amendment of the Senate No. 3, and agree to the same with an amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Omit the matter inserted by said amendment and restore the matter stricken out, amended to read as follows:

"For clerk hire and other services at 18 pension agencies during the first half of the fiscal year 1913, and at one pension agency during the

last half of the fiscal year 1913, and including not exceeding $10,000 for expenses of consolidating and removing records and equipment of pension agencies, $350,000, or so much thereof as may be necessary: *Provided*, That estimates in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the pension agency, and the amounts to be paid to each."

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York to recede and agree to the Senate amendment numbered 3 with the amendment which the Clerk has reported.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of the sum named in said amendment insert $2,125.

The SPEAKER. The question is on the motion of the gentleman from New York to recede from Senate amendment numbered 4 and agree to the same with an amendment, which the Clerk has reported.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I now move that the House further insist on its disagreement to amendments of the Senate numbered 5, 9, 10, and 11.

The motion was agreed to.

CONSTRUCTION OF SUBWAY, ETC., UNDER POST-OFFICE BUILDING, CITY OF NEW YORK.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to return to the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post office at or near Park Place, in the city of New York—the one we have just passed over.

The SPEAKER. The gentleman from New York asks unanimous consent to recur to the bill S. 7012. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I understand the gentleman is willing to accept the amendment referred to, making it discretionary with the Secretary of the Treasury.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of this bill. Is there objection? [After a pause.] The Chair hears none. It has been reported once, and there is no use in reporting it again.

Mr. MANN. Mr. Speaker, I move to insert in line 4, after the word "authorized," the words "in his discretion."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, after the word "authorized," insert the words "in his discretion."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I would like to suggest to somebody that it is getting pretty late.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I rise for the purpose of asking unanimous consent that the bill H. R. 25738 be permitted to remain on the calendar, to be considered the next time.

Mr. MANN. The gentleman has authority to place that on the calendar again.

Mr. RAKER. I would like for it to retain its place on the calendar. It may be arranged so it can be considered next unanimous day; therefore I would like to have it remain on the calendar, to be disposed of the next time.

Mr. MANN. I have no objection.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 25738 (No. 337 on the calendar) be passed without prejudice and that order is to take the place of the one requiring it to be stricken from the calendar. Is there objection?

Mr. COVINGTON. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what peculiar merit this bill possesses that it should retain its place on the calendar in front of 40 or 50 other bills that do not happen to be reached, especially when this bill is of such serious moment that objection is raised when it came up?

Mr. RAKER. In answer to the gentleman I will say that all objection to this bill may be withdrawn. I have observed that after bills of considerable importance had been objected to, by a little talk and by a little seeing of individuals and amendments unanimous consent was had, and in five minutes the bill is passed; and it might possibly be that this bill might be in the same position. I certainly should have the opportunity to have it considered if there is no valid objection. It may not occur next time. All opposition, if any, may be withdrawn.

Mr. MANN. I do not see the gentleman had any complaint. He had one bill on the calendar objected to twice and it was stricken off——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Tuesday, August 6, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of channel between the St. Johns River, Fla., and Cumberland Sound, by way of the Sisters Creek out of the St. Johns River, with plan and estimate of cost of improvement, with a view to straightening and deepening the channel (H. Doc. No. 898); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Bronx River, N. Y. (H. Doc. No. 897); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COVINGTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11877) to amend section 8 of the food and drugs act approved June 30, 1906, reported the same without amendment, accompanied by a report (No. 1138), which said bill and report were referred to the House Calendar.

Mr. MARTIN of Colorado, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26023) to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, reported the same without amendment, accompanied by a report (No. 1141), which said bill and report were referred to the House Calendar.

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, reported the same without amendment, accompanied by a report (No. 1140), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LEWIS, from the Committee on Military Affairs, to which was referred the bill (H. R. 3769) to grant an honorable discharge to Theodore N. Gates, reported the same with amendment, accompanied by a report (No. 1125), which said bill and report were referred to the Private Calendar.

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 24942) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims, reported the same without amendment, accompanied by a report (No. 1143), which said bill and report were referred to the Private Calendar.

Mr. TALBOTT of Maryland, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Depart-

ments, submitted a report (No. 1139) on the files and papers described in the report of the Acting Secretary of Commerce and Labor in House Decument No. 667, Sixty-second Congress, second session.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 26127) to amend the general pension act of May 11, 1912; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 26128) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation acts, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 26129) to amend an act approved February 24, 1905, for the protection of persons furnishing labor, materials, plant, and supplies for the construction of public works; to the Committee on Irrigation of Arid Lands.

By Mr. STANLEY: A bill (H. R. 26130) to further protect trade and commerce against unlawful restraints and monopolies; to the Committee on the Judiciary.

By Mr. PICKETT: A bill (H. R. 26131) requiring common carriers engaged in interstate commerce by railroad to equip locomotive engines with electric or other power light of not less than 1,500 candlepower; to the Committee on Interstate and Foreign Commerce.

By Mr. STANLEY: A bill (H. R. 26132) to regulate the ownership of common carriers engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 26133) appropriating $5,000 for the improvement of the ostrich industry; to the Committee on Agriculture.

By Mr. LA FOLLETTE: Joint resolution (H. J. Res. 347) proposing an amendment to the Constitution providing that the President and the Vice President shall be nominated and elected by direct vote of the people of the several States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. AKIN of New York: Resolution (H. Res. 664) requesting information from the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. STANLEY: Resolution (H. Res. 665) setting time for discussion of report of committee investigating violations of antitrust act of 1890 and other acts, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26134) granting a pension to Lent B. Gage; to the Committee on Pensions.

By Mr. ALEXANDER: A bill (H. R. 26135) granting an increase of pension to Mary A. Hooker; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 26136) granting a pension to Hiram Hill; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 26137) granting an increase of pension to Sullivan McKibben; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 26138) granting an increase of pension to John Klein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26139) granting an increase of pension to Topley T. Dodge; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 26140) for the relief of John B. Worsley; to the Committee on War Claims.

By Mr. HAYDEN: A bill (H. R. 26141) to correct the military record of Joinville Reif; to the Committee on Military Affairs.

Also, a bill (H. R. 26142) granting an increase of pension to Mary E. Heydenburg; to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 26143) granting a pension to Elizabeth J. Mitchell; to the Committee on Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 26144) granting an increase of pension to William H. Cornell; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 26145) to remove the charge of desertion from the military record of James W. Clouse; to the Committee on Military Affairs.

By Mr. VARE: A bill (H. R. 26146) for the relief of William Force; to the Committee on Claims.

By Mr. WHITACRE: A bill (H. R. 26147) granting an increase of pension to Mahala R. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26148) granting an extension of patent to Joseph H. Mathews; to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of House bill 23417, relative to change in patent law; to the Committee on Patents.

Also, petition of assistants to superintendents of construction, United States life-saving stations, favoring passage of House bills 25235 and 25236, to promote efficiency of Life-Saving Service and to create the coast guard, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of citizens of Pottawatomie County, Okla., against passage of House bill 25593, relative to termination of Shawnee Training School, etc.; to the Committee on Indian Affairs.

By Mr. ASHBROOK: Evidence to accompany House bill 26117, a bill authorizing the Secretary of War to confer upon David Davis the congressional medal of honor; to the Committee on Military Affairs.

By Mr. AYERS: Memorials of New York Produce Exchange, favoring an extension of jurisdiction of Commerce Court, and American Association of Dairy Food & Drug Officials, favoring passage of the Gould weight and measure bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Inventors' Guild, favoring appointment of a commission to investigate and suggest needed changes in the patent laws; to the Committee on Patents.

By Mr. HARTMAN: Petition of the Woman's Christian Temperance Union of Van Ormer, Pa., favoring passage of bill to forbid the sale of intoxicating liquors in buildings and ships used by the United States Government; to the Committee on the Judiciary.

By Mr. KAHN: Petition of Workmen's Sick and Death Benefit Fund, Branch 102, of San Francisco, Cal., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of American Mercantile Co. and E. G. Lyons, of San Francisco, Cal., against passage of the Works liquor bill; to the Committee on the District of Columbia.

Also, petition of Local 410, B. M. & I. S. B., of San Francisco, Cal., favoring passage of House bill 16844, known as the Campbell bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of United States Indian Warriors of San Francisco, Cal., favoring passage of House bill 779, for pension of officers and soldiers of Indian wars between 1870 and 1891; to the Committee on Pensions.

Also, petition of Bruce Hayden, of San Francisco, Cal., favoring revision of patent laws; to the Committee on Patents.

Also, petition of Deremer & Co. (Inc.) and Hirsh & Kaiser, of San Francisco, Cal., against passage of bill relative to change in patent laws; to the Committee on Patents.

Also, petition of Sherwood & Sherwood, of San Francisco, Cal., against passage of the Works bill relative to license in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Brotherhood of Locomotive Engineers of United States, favoring passage of workmen's compensation act, etc.; to the Committee on the Judiciary.

Also, petition of Sign and Pictorial Painters' Local No. 510, of San Francisco, Cal., favoring passage of the Clayton bill, H. R. 23635; to the Committee on the Judiciary.

Also, petition of S. E. Schwartz, of San Francisco, Cal., against passage of the Root amendment to the immigration law; to the Committee on Immigration and Naturalization.

Also, petition of rector and members of St. James Church, of Richmond District, San Francisco, Cal., favoring passage of bill for relief of natives of Alaska; to the Committee on the Territories.

Also, petition of citizens of San Francisco, Cal., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KORBLY: Memorial of League of Library Commissions, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. LEVY: Memorial of New York Produce Exchange, of New York City, relative to act to amend laws relating to

the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of Regular Colored Democratic Association, of Brooklyn, N. Y., favoring passage of Senate bill No. 180 relative to celebration of fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

Also, memorial of board of managers of the New York Produce Exchange, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

Also, memorial of American Association of Dairy, Food, and Drug Officials, favoring passage of the Gould weight and measure bill; to the Committee on Interstate and Foreign Commerce.

By Mr. McCOY: Petition of Order of Railway Conductors of America, Division No. 175, against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, memorial of Hebrew Veterans of the War with Spain, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Memorial of freight traffic committee of the Chicago Association of Commerce, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. PARRAN: Memorial of F. D. Pastoritis Council, No. 1, and Greble Council, No, 13, Order Independent Americans, of Philadelphia, Pa., favoring passage of House bill 25309, relative to displaying flag of United States on lighthouses, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN of New York: Petition of Inventors' Guild of New York City, relative to changes in patent laws; to the Committee on Patents.

Also, memorial of Inventors' Guild of New York City, relative to change in patent law; to the Committee on Patents.

Also, memorial of the National Association of Talking-Machine Jobbers, Pittsburgh, Pa., against passage of House bill 23417, known as the Oldfield bill, relative to change in patent law; to the Committee on Patents.

Also, memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing for use as a park for city of St. Augustine of the powder-house lot; to the Committee on Military Affairs.

Also, memorial of New York Produce Exchange, of New York City, favoring passage of House bill 25572, to amend laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: Petition of citizens of East St. Louis, Ill., favoring passage of the excise-tax bill with amendment relative to domestic building and loan associations; to the Committee on Ways and Means.

Also, petition of Herman Englebach and others, of Arenzville, Ill., against passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of Chamber of Commerce of Sacramento, Cal., favoring passage of House bill 357, relative to investigation of foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Memorial of Regular Colored Democratic Association of Brooklyn, N. Y., favoring passage of Senate bill 180, for exposition to celebrate the fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

Also, memorial of New York Produce Exchange, of New York City, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. M. Johnson, of New York City, favoring international conference on the cost of living; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Petition of Inventors' Guild of New York City, favoring commission to consider change in patent laws; to the Committee on Patents.

Also, memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that powder-house lot be used as a park by the city of St. Augustine; to the Committee on Military Affairs.

Also, memorial of National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of House bill 23417, known as the Oldfield bill; to the Committee on Patents.

SENATE.

TUESDAY, *August 6, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Martin, Va.	Smith, Ariz.
Bacon	Cullom	Martine, N. J.	Smith, S. C.
Bailey	Cummins	Massey	Smoot
Bankhead	Gallinger	Myers	Sutherland
Borah	Gronna	Nelson	Thornton
Bourne	Johnston, Ala.	Overman	Townsend
Brandegee	Jones	Page	Warren
Bristow	Kenyon	Perkins	Works
Burnham	Kern	Reed	
Burton	Lodge	Sanders	
Catron	McCumber	Simmons	

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. BOURNE. I desire to announce that my colleague [Mr. CHAMBERLAIN] is unavoidably detained on a conference, and that he has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. On the call of the roll of the Senate, 41 Senators have answered to their names. A quorum of the Senate is not present.

Mr. WARREN I ask that the names of the absentees be called.

The PRESIDENT pro tempore. Without objection, the Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. SMITH of Michigan answered to his name when called.

Mr. CLAPP and Mr. CHAMBERLAIN entered the Chamber and answered to their names.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is out of the city on important business. I will let this announcement stand for the day.

Mr. SMITH of Georgia entered the Chamber and answered to his name.

Mr. LODGE. If there is no quorum as yet, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The Chair has not yet ascertained whether there is a quorum and can not make the announcement until the Secretary reports.

Mr. BAILEY. I thought the Senator from Massachusetts desired to submit some motion.

Mr. LODGE. I did; that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. BAILEY. That requires a motion.

Mr. LODGE. I make that motion.

Mr. BAILEY. I did not understand that the Chair put the motion.

Mr. LODGE. No; the Chair has not made the formal announcement.

The PRESIDENT pro tempore. Upon the call of the roll——

Mr. POMERENE entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-six Senators only are present, including the name of the Senator just called.

Mr. LODGE. Then I move——

Mr. BAILEY. This is what comes of trying to meet at 10 o'clock, before Senators can attend to their correspondence and department work. If the Senate wants to proceed with due dispatch it will revoke the order about meeting at 10 o'clock and meet at 12 and have a night session. Then we will be able to put in 9 or 10 hours a day.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Sergeant at Arms be directed to request the presence of absent Senators. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.